

Just last week we found \$18 billion to bail out the airlines. The week before that we allocated \$40 billion additional defense funds, but not one of those pennies is allocated to solve either one of these problems. Does somebody want to tell me that is right? This defense bill is more famous for what it does not do. It does not balance the budget. As of the end of August, even before the tragedy on September 11, our Nation was \$31 billion in the red, again. It does not build ships. At the rate we are going, we are losing 15 ships a year, that is the impact, and headed towards a 200 ship fleet. I say to my colleagues, not the 400-ship fleet of just a few years ago and not the 600-ship fleet of the Reagan years. So someone tell me where the heck all the money goes and why we cannot set better priorities.

So for a lot of reasons, on behalf of my 405 colleagues who supported Medicare subvention last year, and who only asked for a fair up and down vote on that issue so that we can fulfill the promise to our Nation's military retirees, I ask my colleagues to oppose this rule.

Mr. FROST. Mr. Speaker, we have no additional speakers. I urge adoption of the rule, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 57 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1747

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McHUGH) at 5 o'clock and 47 minutes p.m.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,

Washington, DC, September 25, 2001.

Hon. J. DENNIS HASTERT,  
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representa-

tives, the Clerk received the following message from the Secretary of the Senate on September 25, 2001 at 4:41 p.m.

That the Senate PASSED without amendment H.J. Res. 65.

With best wishes, I am

Sincerely,

JEFF TRANDAH, *Clerk of the House.*

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The SPEAKER pro tempore. Pursuant to House Resolution 246 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2586.

□ 1748

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, with Mrs. BIGGERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, September 20, 2001, proceedings pursuant to the order of the House of Wednesday, September 19 had been completed.

Pursuant to House Resolution 246, no further amendment to the committee amendment in the nature of a substitute is in order, except amendments printed in House Report 207-218. Amendments printed in the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

It is now in order to consider amendment No. 1 printed in House Report 107-218.

#### AMENDMENT NO. 1 OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. STUMP:

At the end of subtitle A of title I (page 18, after line 25), insert the following new section:

#### SEC. \_\_\_\_ ADDITIONAL AMOUNT FOR SHIP-BUILDING AND CONVERSION, NAVY.

(a) INCREASE IN SCN AMOUNT.—The amount provided in section 102(a)(3) for shipbuilding and conversion for the Navy is hereby increased by \$57,100,000, to be available for the U.S.S. Eisenhower (CVN-69) Refueling Complex Overhaul program.

(b) OFFSET.—The amount provided in section 301(5) is hereby reduced by \$57,100,000, to be derived from amounts for consulting services.

Strike section 121 (page 20, line 2, through page 21, line 2).

At the end of subtitle B of title II (page 27, after line 24), insert the following new sections:

#### SEC. \_\_\_\_ COST LIMITATION APPLICABLE TO F-22 AIRCRAFT PROGRAM ENGINEERING AND MANUFACTURING DEVELOPMENT.

Section 217(c)(3) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660) is amended by inserting "plus \$250,000,000" after "and (2)".

#### SEC. \_\_\_\_ C-5 AIRCRAFT MODERNIZATION.

(a) INCREASE IN AIR FORCE RDTE AMOUNT.—The amount provided in section 201(3) for Research, Development, Test, and Evaluation for the Air Force is hereby increased by \$30,000,000, to be available for Re-engining and Avionics Modernization for the C-5 aircraft.

(b) OFFSET.—The amount provided in section 301(5) is hereby reduced by \$30,000,000, to be derived from amounts for consulting services.

Strike section 331 (page 58, beginning on line 19) and insert the following:

#### SEC. 331. WORKFORCE REVIEW LIMITATIONS.

(a) LIMITATION PENDING GAO REPORT.—No more than 50 percent of the workforce reviews planned during fiscal year 2002 may be initiated before the date that is the earlier of (1) May 1, 2002, or (2) the date on which the Comptroller General submits to Congress the report required by section 832 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-221), regarding policies and procedures governing the transfer of commercial activities from Government personnel to Federal contractors.

(b) REQUIRED COST SAVINGS LEVEL FOR CHANGE.—(1) A commercial or industrial type function of the Department of Defense may not be changed to performance by the private sector as a result of a workforce review unless, as a result of the cost comparison examination required as part of the review that employed the most efficient organization process described in Office of Management and Budget Circular A-76 or any successor administrative regulation or policy, at least a 10-percent cost savings would be achieved by performance of the function by the private sector over the term of the contract.

(2) The cost savings requirement specified in paragraph (1) does not apply to any contracts for special studies and analyses, construction services, architectural services, engineering services, medical services, scientific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

(3) The Secretary of Defense may waive the cost savings requirement if—

(A) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head; and

(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a cost comparison examination.

(C) The Secretary of Defense shall publish a copy of the waiver in the Federal Register.

(c) WORKFORCE REVIEW DEFINED.—In this section, the term "workforce review" with respect to a function of the Department of Defense performed by Department of Defense civilian employees, means a review conducted under Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy).

Strike subtitle G of title III (page 71, beginning on line 12), relating to the Department of Defense Service Contracting Reform Act of 2001.

At the end of subtitle F of title III (page 71, after line 11), insert the following new sections:

**SEC. \_\_\_\_ . SENSE OF CONGRESS REGARDING SECURITY TO BE PROVIDED AT THE 2002 WINTER OLYMPIC GAMES.**

It is the sense of Congress that the Secretary of Defense should provide essential and appropriate public safety and security support for the 2002 Winter Olympic Games in Salt Lake City, Utah.

Page 179, line 18, insert "(a) ACCESS TO DIRECTORY INFORMATION.—" before "Section".

Page 180, after line 3, insert the following: (b) ENHANCED RECRUITER ACCESS.—Section 503(c)(5) of such title is amended by striking "do not apply to—" and all that follows through "(B)" and inserting "do not apply to".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2002, immediately after the amendment to section 503(c) of title 10, United States Code, made, effective that date, by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-131).

Strike section 715 (page 231, beginning on line 8, and all that follows through page 234, line 18) and insert the following new section:

**SEC. 715. CLARIFICATIONS AND IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.**

(a) CLARIFICATION REGARDING COVERAGE.—Subsection (b) of section 1111 of title 10, United States Code, is amended to read as follows:

"(b) In this chapter:

"(1) The term 'Department of Defense retiree health care programs' means the provisions of this title or any other provision of law creating an entitlement to or eligibility for health care under a Department of Defense or uniformed service program for a member or former member of a participating uniformed service who is entitled to retired or retainer pay, and an eligible dependent under such program.

"(2) The term 'eligible dependent' means a dependent (as such term is defined in section 1072(2) of this title) described in section 1076(a)(2) (other than a dependent of a member on active duty), 1076(b), 1086(c)(2), or 1086(c)(3).

"(3) The term 'medicare-eligible', with respect to any person, means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

"(4) The term 'participating uniformed service' means the Army, Navy, Air Force, and Marine Corps, and any other uniformed service that is covered by an agreement entered into under subsection (c)."

(b) PARTICIPATION OF OTHER UNIFORMED SERVICES.—(1) Section 1111 of such title is further amended by adding at the end the following new subsection:

"(c) The Secretary of Defense may enter into an agreement with any other administering Secretary (as defined in section 1072(3)) for participation in the Fund by a uniformed service under the jurisdiction of that Secretary. Any such agreement shall require that Secretary to make contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of that Secretary comparable to the contributions to the Fund made by the Secretary of Defense under section 1116, and such administering Secretary may make such contributions."

(2) Section 1112 of such title is amended by adding at the end the following new paragraph:

"(4) Amounts paid into the Fund pursuant to section 1111(c)."

(3) Section 1115 of such title is amended—

(A) in subsection (a), by inserting "participating" before "uniformed services";

(B) in subparagraphs (A)(ii) and (B)(ii) of subsection (b)(1), by inserting "under the jurisdiction of the Secretary of Defense" after "uniformed services";

(C) in subsection (b)(2), by inserting "(or to the other executive department having jurisdiction over the participating uniformed service)" after "Department of Defense"; and

(D) in subparagraphs (A) and (B) of subsection (c)(1), by inserting "participating" before "uniformed services".

(4) Section 1116(a) of such title is amended in paragraphs (1)(B) and (2)(B) by inserting "under the jurisdiction of the Secretary of Defense" after "uniformed services".

(c) CLARIFICATION OF PAYMENTS FROM THE FUND.—(1) Subsection (a) of section 1113 of such title is amended to read as follows:

"(a) There shall be paid from the Fund amounts payable for the costs of all Department of Defense retiree health care programs for the benefit of members or former members of a participating uniformed service who are entitled to retired or retainer pay and are medicare eligible, and eligible dependents described in section 1111(b)(3) who are medicare eligible."

(2) Such section is further amended by adding at the end the following new subsections:

"(c)(1) In carrying out subsection (a), the Secretary of Defense may transfer periodically from the Fund to applicable appropriations of the Department of Defense, or to applicable appropriations of other departments or agencies, such amounts as the Secretary determines necessary to cover the costs chargeable to those appropriations for Department of Defense retiree health care programs for beneficiaries under those programs who are medicare-eligible. Such transfers may include amounts necessary for the administration of such programs. Amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred. Upon a determination that all or part of the funds transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund. This transfer authority is in addition to any other transfer authority that may be available to the Secretary.

"(2) A transfer from the Fund under paragraph (1) may not be made to an appropriation after the end of the second fiscal year after the fiscal year that the appropriation is available for obligation. A transfer back to the Fund under paragraph (1) may not be made after the end of the second fiscal year after the fiscal year that the appropriation to which the funds were originally transferred is available for obligation.

"(d) The Secretary of Defense shall by regulation establish the method or methods for calculating amounts to be transferred under subsection (c). Such method or methods may be based (in whole or in part) on a proportionate share of the volume (measured as the Secretary determines appropriate) of health care services provided or paid for under Department of Defense retiree health care programs for beneficiaries under those programs who are medicare-eligible in relation to the total volume of health care services provided or paid for under Department of Defense health care programs.

"(e) The regulations issued by the Secretary under subsection (d) shall be provided to the Comptroller General not less than 60 days before such regulations become effective. The Comptroller General shall, not later than 30 days after receiving such regulations, report to the Secretary of Defense

and Congress on the adequacy and appropriateness of the regulations.

"(f) If the Secretary of Defense enters into an agreement with another administering Secretary pursuant to section 1111(c), the Secretary of Defense may take actions comparable to those described in subsections (c), (d), and (e) to effect comparable activities in relation to the beneficiaries and programs of the other participating uniformed service."

(d) SOURCE OF FUNDS FOR MONTHLY ACCRUAL PAYMENTS INTO THE FUND.—Section 1116 of such title is further amended—

(1) in subsection (a)(2)(B) (as amended by subsection (b)(7)), by striking the sentence beginning "Amounts paid into"; and

(2) by adding at the end the following new subsection:

"(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the health care programs of the participating uniformed services under the jurisdiction of the respective administering Secretaries."

(e) LIMITATION ON TOTAL AMOUNT CONTRIBUTED DURING A FISCAL YEAR.—Section 1116 of such title is further amended by adding at the end the following new subsection:

"(d) In no case may the total amount of monthly contributions to the Fund during a fiscal year under subsection (a) exceed the amount paid from the Fund during such fiscal year under section 1113."

(f) TECHNICAL AMENDMENTS.—(1) The heading for section 1111 of such title is amended to read as follows:

**"§ 1111. Establishment and purpose of Fund; definitions; authority to enter into agreements".**

(2) The item relating to section 1111 in the table of sections at the beginning of chapter 56 of such title is amended to read as follows:

"1111. Establishment and purpose of Fund; definitions; authority to enter into agreements."

(3) Section 1115(c)(1)(B) of such title is amended by inserting an open parenthesis before "other than for training)".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of chapter 56 of title 10, United States Code, by section 713(a)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-179).

(h) FIRST YEAR CONTRIBUTIONS.—With respect to contributions under section 1116(a) of title 10, United States Code, for the first year that the Department of Defense Medicare-Eligible Retiree Health Care Fund is established under chapter 56 of such title, if the Board of Actuaries is unable to execute its responsibilities with respect to such section, the Secretary of Defense may make contributions under such section using methods and assumptions developed by the Secretary.

At the end of title X (page 307, after line 20), insert the following new sections:

**SEC. \_\_\_\_ . AMENDMENTS RELATING TO COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.**

(a) DEADLINE FOR REPORT.—Subsection (d)(1) of section 1092 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-302) is amended by striking "March 1, 2002" and inserting "one year after the date of the first official meeting of the Commission".

(b) TERMINATION OF COMMISSION.—Subsection (g) of such section is amended by striking "30 days" and inserting "60 days".

**SEC. \_\_\_\_ AUTHORITY TO ACCEPT MONETARY CONTRIBUTIONS FOR REPAIR AND RECONSTRUCTION OF PENTAGON RESERVATION.**

Section 2674(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

“(2) The Secretary of Defense may accept monetary contributions made for the purpose of assisting to finance the repair and reconstruction of the Pentagon Reservation following the terrorist attack that occurred on September 11, 2001. The Secretary shall deposit such contributions in the Fund.”; and

(3) in paragraph (3), as redesignated, by inserting at the end the following new sentence: “However, contributions accepted under paragraph (2) shall be available for expenditure only for the purpose specified in such paragraph.”.

At the end of title XIV (page 348, after line 8), insert the following new section:

**SEC. 1408. RELATIONSHIP TO AUTHORITIES AND RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.**

Nothing in this title or the amendments made by this title shall modify, alter, or supersede the authorities and responsibilities of the Director of Central Intelligence.

Strike section 2863 (page 424, line 9, through page 426, line 6), and insert the following new section:

**SEC. 2863. MANAGEMENT OF THE PRESIDIO OF SAN FRANCISCO.**

(a) **AUTHORITY TO LEASE CERTAIN HOUSING UNITS FOR USE AS ARMY HOUSING.**—Title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 460bb note) is amended by adding at the end the following new section:

**“SEC. 107. CONDITIONAL AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.**

“(a) **AVAILABILITY OF HOUSING UNITS FOR LONG-TERM ARMY LEASE.**—Subject to subsection (c), the Trust shall make available for lease, to those persons designated by the Secretary of the Army and for such length of time as requested by the Secretary of the Army, 22 housing units located within the Presidio that are under the administrative jurisdiction of the Trust and specified in the agreement between the Trust and the Secretary of the Army in existence as of the date of the enactment of this section.

“(b) **LEASE AMOUNT.**—The monthly amount charged by the Trust for the lease of a housing unit under this section shall be equivalent to the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code.

“(c) **CONDITION ON CONTINUED AVAILABILITY OF HOUSING UNITS.**—Effective after the end of the four-year period beginning on the date of the enactment of this section, the Trust shall have no obligation to make housing units available under subsection (a) unless, during that four-year period, the Secretary of the Treasury purchases new obligations of at least \$80,000,000 issued by the Trust under section 104(d)(2). In the event that this condition is not satisfied, the existing agreement referred to in subsection (a) shall be renewed on the same terms and conditions for an additional two years.”.

(b) **INCREASED BORROWING AUTHORITY AND TECHNICAL CORRECTIONS.**—Paragraphs (2) and (3) of section 104(d) of title I of division I of the Omnibus Parks and Public Lands Management Act of 1996, as amended by section 334 of appendix C of Public Law 106-113 (113

Stat. 1501A-199) and amended and redesignated by section 101(13) of Public Law 106-176 (114 Stat. 25), are amended—

(1) in paragraph (2), by striking “including a review of the creditworthiness of the loan and establishment of a repayment schedule,” the second place it appears; and

(2) in paragraph (3)—

(A) by striking “\$50,000,000” and inserting “\$150,000,000”; and

(B) by striking “paragraph (3) of”.

At the end of subtitle A of title XXXI (page 461, after line 6), insert the following new section:

**SEC. \_\_\_\_ INCREASED AMOUNT FOR NON-PROLIFERATION AND VERIFICATION.**

(a) **NATIONAL NUCLEAR SECURITY ADMINISTRATION.**—The amounts provided in section 3101 for activities of the National Nuclear Security Administration, and in paragraph (2) of that section for defense nuclear nonproliferation, are each hereby increased by \$10,000,000, for operation and maintenance for nonproliferation and verification research and development (and the amounts provided in subparagraph (A) of such paragraph (2) and in clause (i) of such subparagraph are each hereby increased by such amount).

(b) **OFFSET.**—The amount provided in section 301(5) is hereby reduced by \$10,000,000, to be derived from amounts for consulting services.

Strike section 3304 (page 483, lines 9 through 16) and insert the following new section:

**SEC. 3304. EXPEDITED IMPLEMENTATION OF AUTHORITY TO DISPOSE OF COBALT FROM NATIONAL DEFENSE STOCK-PILE.**

(a) **DISPOSAL AUTHORIZED DURING FISCAL YEAR 2002.**—Subsection (a)(1) of section 3305 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 50 U.S.C. 98d note) is amended by striking “fiscal year 2003” and inserting “the two-fiscal year period ending September 30, 2003”.

(b) **LIMITATIONS ON DISPOSAL AUTHORITY.**—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: “The total quantity of cobalt disposed of under such subsection during fiscal year 2002 may not exceed 700,000 pounds.”.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Arizona (Mr. STUMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

The amendment that I offer at this point in the bill has been developed in consultation with the gentleman from Missouri (Mr. SKELTON), the committee's ranking member, and results mostly from the unusual process the Committee on Armed Services had to deal with this year.

As Members are aware, we did not receive the administration's amended budget proposal for the Department of Defense until after the July 4 break. Details regarding the submission and backup justification materials continued to come into the committee throughout the month of July and even into August. However, the gentleman from Missouri (Mr. SKELTON) and I determined that in order to get the defense bill to the floor this month, the

committee needed to get through the markup before the August district period.

The committee compressed what would normally be a 3-month deliberation into less than a month, but strived to accomplish the committee's usual comprehensive work product. Unfortunately, the reality of moving so quickly while greater levels of detail kept arriving from the administration, inevitably necessitated that a variety of changes be made to the bill based on that information.

Some of the provisions are more technical than others but, again, all have been worked out in consultation with the gentleman from Missouri (Mr. SKELTON), and I urge my colleagues to support the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Madam Chairman, one might call this a “cats and dogs” amendment. In this bill, as in every bill, there are minor housekeeping matters and new ideas and agreements that do not require their own specific amendment; and the gentleman from Arizona (Mr. STUMP), the chairman of the committee, and I have rounded up the strays and now present them en bloc. I have worked with the chairman to resolve these items. I support all of them, and I ask the Members to join us in the passage of this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

I rise to engage the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of the Permanent Select Committee on Intelligence, in a colloquy on space launch.

Madam Chairman, I yield to the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of the House Select Committee on Intelligence for a colloquy regarding section 121 of the bill.

Mr. BEREUTER. Madam Chairman, I thank the gentleman for yielding.

The gentleman from Florida (Mr. Goss), the chairman of the Select Committee on Intelligence, and I appreciate the willingness of the gentleman from Arizona (Mr. STUMP), the chairman of the committee, to reach common ground on the issue of responsibility for contracts on defense space launches. We are particularly grateful that he has agreed with our amendment to remove section 121 from the bill.

As the gentleman knows, the House Permanent Select Committee on Intelligence included a provision in the fiscal year 2001 intelligence authorization bill that would encourage the National Reconnaissance Office to have greater input with respect to contracting related to the launch of national reconnaissance payloads. There have been

positive developments from the introduction of this language in last year's intelligence bill, even though that language was removed by the other body prior to final passage. Since the beginning of 2001, the U.S. Air Force has been more forthcoming with the NRO on contracting matters, and this trend needs to be encouraged.

Mr. STUMP. Madam Chairman, reclaiming my time, it is my understanding that the House Select Committee on Intelligence does not plan to adopt any additional space launch contracting provisions in the fiscal year 2002 intelligence authorization bill; is that correct?

Mr. BEREUTER. Madam Chairman, the chairman's understanding of our position is correct.

Mr. STUMP. Madam Chairman, I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, I rise to engage the gentleman from Arizona (Mr. STUMP), the chairman of the committee, in a colloquy.

Madam Chairman, I appreciate the gentleman's willingness to discuss an issue that takes on even more significance in light of the attacks on September 11, and that is computer cybersecurity. I had proposed an amendment to provide \$2 million to the Secretary of Defense in order to assist the Department of Defense in ensuring that computers and computer-related products that the Department purchases from the commercial sector meet the highest level of national security and information security requirements. Unfortunately, my amendment was not ruled in order. This is a very important topic to me, and I hope to have the chairman's support as I continue to discuss and promote the need for information assurance within the Department of Defense.

Mr. STUMP. Madam Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Arizona.

Mr. STUMP. Madam Chairman, the gentleman raises a very important issue. In this day and age, information assurance and security of the Department's computers is vital. Our national defense relies on it. I assure the gentleman that I will continue to work with the gentleman on this matter.

Madam Chairman, I am pleased to yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Chairman, I thank the gentleman for yielding me this time.

I would like to speak in support of the manager's amendment, but I would like to talk briefly about part of that amendment that came from the heart of West Virginia.

The day after the tragedy on September 11, the eighth grade class of Moorefield Middle School, Mr. Sisler's

class, got together and talked about what they could do to help. One of the girls in the class said, I would like to give some money to rebuild the Pentagon. So we engaged in a conversation; and what we came up with was a specific bill, part of this amendment, that would allow children and adults throughout the country to specifically donate to the Department of Defense to create a fund to rebuild and restructure our Pentagon. That is part of this manager's amendment.

It is with great pride that I offer this from the Moorefield Middle School children, from the hearts of West Virginia to the hearts of America; and I thank the gentleman for letting me be a part of this.

Mr. SKELTON. Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I am pleased to yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Chairman, I thank the gentleman for yielding me this time.

I rise today in strong support of the manager's amendment of the gentleman from Arizona (Mr. STUMP). This amendment contains \$57.1 million to complete the funding required for the refueling of the U.S.S. *Eisenhower* and will help to ensure our carrier force is ready for war.

Madam Chairman, there is no question that we have underfunded our true defense needs for over 10 years. Now is the time to correct this. Now is the time to fully fund our carriers.

Who could have imagined just 2 weeks ago that we would require two carriers in the New York Harbor flying combat air patrols? Who could have imagined that just 2 weeks ago we would require four carriers in just one theater of operation?

Madam Chairman, H.R. 2586 is a start toward funding our military at adequate levels, but it is only a start. This manager's amendment will rush critical funding not only to our carriers, but C-5 aircraft modernization. These are two critical areas that need our immediate attention, and the gentleman from Arizona's amendment does just that.

In closing, I encourage all Members of the House to vote in support of this critical amendment.

Mr. SKELTON. Madam Chairman, I yield back the balance of my time.

Mr. STUMP. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. STUMP).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House report 107-218.

AMENDMENT NO. 2 OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. STUMP:

At the end of subtitle E of title V (page 161, after line 12), insert the following new section:

**SEC. \_\_\_\_ . SENSE OF CONGRESS ON NEW MEDAL TO RECOGNIZE CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE KILLED OR WOUNDED AS A RESULT OF HOSTILE ACTION.**

(a) FINDINGS.—Congress makes the following findings:

(1) The role and importance of civilian nationals of the United States as Federal employees and contractors in support of operations of the Armed Forces worldwide has continued to expand.

(2) The expanded role performed by those civilians, both in the United States and overseas, has greatly increased the risk to those civilians of injury and death from hostile actions taken against United States Armed Forces, as demonstrated by the terrorist attack on the Pentagon on September 11, 2001, in which scores of Department of Defense civilian and contractor personnel were killed or wounded.

(3) No decoration exists for the recognition of civilian nationals of the United States who, while serving under competent authority in any capacity with the Armed Forces, are killed or wounded in the line of duty under circumstances which, if they were members of the Armed Forces, would qualify them for the award of the Purple Heart.

(4) Both the Congress and the Secretary of Defense have previously agreed to the need for such a decoration.

(5) On September 20, 2001, the Deputy Secretary of Defense approved the creation of a new award, a medal for the defense of freedom, to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action and at the same time directed that a comprehensive review be conducted to develop a more uniform approach to the award of decorations to military and civilian personnel of the Department of Defense.

(b) COMMENDATION OF CREATION OF NEW AWARD.—Congress commends the decision announced by the Deputy Secretary of Defense on September 20, 2001, to approve the creation of a new award, a medal for the defense of freedom, to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense—

(1) should move expeditiously to produce and award the new medal referred to in subsection (b); and

(2) should develop a more comprehensive, uniform policy for the award of decorations to military and civilian personnel of the Department of Defense.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Arizona (Mr. STUMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

My amendment expresses a sense of Congress regarding the recognition of civilian employees within the Department of Defense who are killed or wounded as a result of hostile action.

□ 1800

For those in the uniformed services who have died or were injured in the recent terrorist attacks, the services have a variety of decorations that may be awarded in recognition of their service, including the Purple Heart. However, appropriate medals or decorations have not been available to recognize the sacrifices of civilian employees of the Department of Defense who befall fates similar to those of their military counterparts.

In the 105th Congress, we realized the need to give proper recognition to U.S. civilians who were killed or wounded while serving in an official capacity with our Armed Forces. Public Law 105-261 required the Secretary of Defense to study the need for such awards. Subsequently, former Secretary of Defense William Cohen signed a letter to the Speaker of the House dated January 28, 2000, which stated that in situations that are, "analogous to the circumstances wherein military members receive the Purple Heart, we will move forward to create an appropriate recognition for civilian nationals of the United States within the near future."

Unfortunately, nothing came to fruition during this 18 months, and DOD did not have an appropriate civilian award in place. I understand that now the Department is finally moving forward to establish an award appropriately recognizing civilians.

Many veterans' organizations and military associations that believe the Purple Heart should remain an exclusive military decoration support the Department's action. My amendment commends the Department of Defense for approving the creation of a new medal, a medal in the defense of freedom to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action.

I urge my colleagues to support this amendment.

Mr. SKELTON. Madam Chairman, I ask to claim the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri in opposition to the amendment.

Mr. SKELTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me state that I do rise in support of the amendment offered by my friend and our chairman, the gentleman from Arizona (Mr. STUMP). This amendment expresses the sense of Congress that the Secretary of Defense should move expeditiously to produce an award of a freedom medal to be awarded to civilians employed with the Department of Defense who are killed or wounded as a result of hostile action.

It also urges the Secretary of Defense to develop a comprehensive, uniform policy for the award of decorations to military and civilian personnel.

The tragic and deadly attack of the Pentagon by terrorists has raised public awareness that our Nation's civilian personnel also take an oath to defend and protect our Nation. Their selfless contributions and their sacrifices are just as vital to our efforts to protect the constitutional freedoms that we enjoy.

On September 11, nearly 200 of our finest military personnel and civil servants gave the ultimate sacrifice, their lives, in a terrorist war against our Nation. Members of the Armed Forces who were killed or wounded in the Pentagon attack will receive the Purple Heart. Sadly, the sacrifices of their civilian coworkers will not be acknowledged, since no decoration existed to recognize civilians who were also killed or wounded in the line of duty.

These and many other civilians often work with their military colleagues side by side, and oftentimes are deployed to hostile areas in support of military operations. They are essential to support military operations worldwide, and it is right and just that we recognize their contributions and sacrifices on behalf of our Nation.

On September 20, the Deputy Secretary of Defense approved of a new defense of freedom medal for civilians of the Department of Defense who were killed or wounded as a result of hostile action. The defense of freedom medal, like the Purple Heart, will recognize the sacrifices of our civilian personnel.

I urge the support of my colleagues.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Chairman, I rise in support of my friend and chairman, the gentleman from Arizona, and his efforts in this Purple Heart area. I think he has given us a very great argument on it, and one that I totally support.

I would like to say on the manager's amendments that he just recently passed, the State of Utah will be hosting the 2002 Winter Games starting in coming February. A lot of people go to that, and in the other body there was a very misguided amendment that said that the U.S. military could have nothing to do with the Winter Games, and that is the law we have now.

Fortunately, that amendment that the gentleman from Arizona (Mr. STUMP) recently carried here would straighten that thing out. I do not think people realize how many people watch the downhill, for an example. Do Members know how many people watched the last Winter Games downhill? Take this figure, 3 billion people.

So this is not something that just the State of Utah is going to be doing, it is basically something the United States is going to be doing. The world watches

this. The men's downhill, that is the number one thing they watch. They watch the skating, they watch every part of it, which they find interesting.

Our Nation has a responsibility to our citizens and the citizens of the world to ensure that these games are very safe and they are very successful. The Department of Defense must be freed from unnecessary bureaucratic red tape and misguided past legislation to provide all necessary security for this event that only the United States military can provide.

In light of something that happened 2 weeks ago, it would seem to me the very prudent and reasonable approach to this is the amendment offered by the gentleman from Arizona (Mr. STUMP), and which has been accepted by this body. I compliment the chairman for putting that in and support him completely, and the Secretary, to ensure safe and successful Winter Games, which should be a wonderful thing that we will all take great pride in next winter.

Mr. REYES. Madam Chairman, I ask unanimous consent to control the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Texas may control the time.

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in support of the Stump Amendment to H.R. 2586.

This amendment recognizes the role that civilians play in support of our Armed Services during peace and war. I am happy to join my colleagues in commending the Defense Department for its decision to create a new medal for civilians employed by the Department of Defense who are wounded or killed as a result of their presence in or near the theatre of action.

There are numerous duties carried out by government civilians during wartime. Civilians conduct the necessary tests on essential military equipment and serve as liaisons between government contracts and active duty field commanders.

At a time when we have seen the personal sacrifice that American civilians are willing to make in defense of freedom, an amendment honoring Defense Department civilian employees is a meaningful way to show our friends and foes the resolve of the American people.

Madam Chairman, we must ensure that those civilians who risk their lives for us are never forgotten.

Mr. REYES. Madam Chairman, I yield back the balance of my time.

Mr. STUMP. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. STUMP).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 107-218.

AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 271, after line 17), insert the following new section:

**SEC. \_\_\_\_ . ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.**

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

**“§374a. Assignment of members to assist border patrol and control**

“(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

“(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

“(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

“(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

“(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

“(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Attorney General or the Secretary of the Treasury may establish ongoing joint task forces when accompanied by a certification by the President that the assignment of members pursuant to the re-

quest to establish a joint task force is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(2) When established, any joint task force shall fully comply with the standards as set forth in this section.

“(f) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

“(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

“(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2004.”.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

“374a. Assignment of members to assist border patrol and control.”.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, 2 weeks ago a foreign force came across our borders and attempted to take away our domestic tranquility. In 1941, Japan attacked Pearl Harbor, a nation with evil intent, and their victims claimed were less than half of that, of three terrorist strikes, with no Nation coming forward to claim, if you will, that debacle.

We are not talking about the border between D.C. and Virginia, we are not talking about the border between Pennsylvania and Ohio, and we are not talking about only the Southwest borders of the United States. The two planes that struck the World Trade Center, those individuals came through Canada.

The Traficant amendment does not mandate anything at this point. It does not deal with illegal immigration. I think the Border Patrol is well capable of doing that. The Traficant amendment allows the President, Mr. Ridge, my friend and former neighbor, now in charge of our homeland security, the Pentagon, in conjunction with the Secretary of the Treasury, and the U.S. Attorney General, to provide that support, land or air.

I say to this Congress again, if 300,000 illegal immigrants trying to find a better life can gain access to America, do not believe for one moment that a large-

er contingent of people with evil intentions could not gain entry into America and continue to kill American citizens.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. Who rises to control the time in opposition?

Mr. REYES. Madam Chairman, I rise in strong opposition to this amendment.

The CHAIRMAN. The gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to, first of all, commend my colleague, the gentleman from Ohio (Mr. TRAFICANT). Year after year he comes to the floor, out of sheer frustration with this recommendation.

I am here this afternoon, Madam Chair, because I spent a whole career on the border between the United States and Mexico, so I know and understand the frustrations that we face as a country about controlling and doing a better job, and understanding and identifying and stopping those that are coming into this country. This arises perhaps out of frustration, making sure that we do a better job.

But this amendment is not a good idea. It was not a good idea 4 years ago, it was not a good idea last year, and it certainly is less of a good idea today, because just recently, President Bush activated 50,000 reservists. That tells us, it sends a very clear message that we do not have enough troops to go around.

Those reservists that have been activated have been activated because we are about to go and make those accountable for the very acts that my colleague mentioned, the bombing and the terrible and tragic acts against the World Trade Center and against our own Pentagon.

This is not an argument about illegal immigration, this is not an argument that we are engaged here in about who has a better plan. It is a practical understanding of the limitations that our military is capable of carrying out.

We clearly do not have enough active military to carry out the mission that the President has stated will be necessary against terrorism, so he has activated 50,000 reservists.

I would ask my colleague to, instead, work to get a plan to fund on, an overtime basis, police and sheriff's department personnel to augment and better staff our already understaffed Border Patrol and Customs personnel.

Madam Chairman, I yield 1½ minutes to my good friend and colleague, the gentleman from Texas (Mr. ORTIZ), the distinguished gentleman who, prior to coming to Congress, was in law enforcement as a sheriff.

Mr. ORTIZ. Madam Chairman, I stand in opposition to the Traficant amendment.



Madam Chairman, I understand that my friend from Ohio, he is a very good friend, and I think his amendment has some merits, but I think this is the wrong time to be moving troops and to be positioning them at the border when we have a more serious problem of dealing with terrorists.

It takes people at the border who understand the skills, or who have the skills to do the right job. The military, and I served in the military, we are trained to do a different job: to destroy the enemy, to do covert operations. We are dealing with a friendly country on both sides, Canada and the United States.

Now, this new war that we are now involved in includes a host of fronts which include law enforcement on our borders, which includes Customs, Border Patrols, the INS, and just like what we are trying to do now, to be sure that when we get people who work at airports, that we pay them a decent salary, that they have the skills necessary so that they know exactly what they are dealing with, what they are looking for. Stationing troops at the border will not do the job.

I was in law enforcement for about 8 years.

Mr. TRAFICANT. Madam Chairman, I continue to reserve my time.

Mr. REYES. Madam Chairman, I yield 15 seconds to the gentleman from Missouri (Mr. SKELTON), my colleague and the distinguished ranking member.

Mr. SKELTON. Madam Chairman, let me say, in recent testimony, Madam Chairman, the Chief of Staff of the United States Army, as well as the Secretary of the Army, testified that they are in need of at least 40,000 additional soldiers for our present missions. I have recommended publicly at least an additional 20,000.

I would point out that these are soldiers, as opposed to those who are policemen. Their job is to protect America's interests as soldiers.

□ 1815

Mr. TRAFICANT. Madam Chairman, might I inquire how much time is remaining on either side?

The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) has 3 minutes. The gentleman from Texas (Mr. Reyes) has  $\frac{3}{4}$  of a minute, and the gentleman from Texas has the right to close.

Mr. TRAFICANT. Madam Chairman, I yield myself such time as I may consume.

Over 6,300 Americans are now dead since our last debate. President Bush has shown wisdom in calling up 50,000 reservists. If we need more, tell me what is more important than the national security of the United States nor the charge that we have here in Congress.

I am a former sheriff. Sheriffs and police chiefs do not fight wars. Border patrols and customs do not fight wars. They are a great help.

All this business about traffic and deploying troops is an absolute lie. We, in fact, through legislation create the training for a specific mechanism of military combat to terrorism. We do not know who our enemy is, but I know this: on September 11 there was one other unusual headline. China signed a cooperative agreement economically with the Taliban government, and today there was another headline, that China is testing super missiles.

If not now, when? If not this, what? We cannot guard all these borders. We give the chance to make sure that there is adequate training; that we support our President; that there is a strong aviation presence; and that if there are to be troops deployed, they are deployed as former-President Bush did with his task force that worked successfully. Yes, there were some setbacks, but never has America been more threatened.

Let me ask this question of Congress. How do we defend our home if our back door and our front door is unlocked? It is unlocked. That is not offending customs. That is not offending border patrol. There is one border patrol for every two miles, and that is not talking about the northern border. I am not talking about the Southwest border. Quite frankly, I think the most inviting aspect to most terrorists now looks to the North.

We have a responsibility to secure our Nation. This is a national security location checkpoint, our border. I know the politics. It took me 12 years to pass changing the burden of proof in the civil tax case, 12 years. It was the right thing to do and seizures of homes dropped from 10,050 to 51.

We have lost double the amount from three terrorist strikes than we did from an attack from Japan. My God, what do we stand for? If we cannot secure our borders, how many more Americans will die? I hate to say this, but I assure you they will, because if 300,000 illegal immigrants come across a border, an army could come across one, perhaps maybe with a nuclear device, in some subway.

I ask the Members and urge them to vote aye on this amendment and fight to keep it in our conference.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. TRAFICANT) has expired.

Mr. REYES. Madam Chairman, I yield myself the remainder of my time.

I know this puts my colleagues in a difficult situation, whether to show the courage to vote against this amendment, which is the right thing to do, or whether to go along and seem patriotic by saying let us put our troops on the border.

My colleague mentioned we do not know who our enemy is but we do know that the people who live along the border, both on the Southern border and the Northern border, are not the enemy; and we should not deploy the

military to the Southern border or the Northern border.

Let us use some of that money that we just authorized, that \$40 billion, to augment through overtime the presence of professional law enforcement personnel to help the border patrol and to help customs. That is the rational thing to do. That is the right thing to do. Putting the military on the border has never been a good idea.

Marshal law is not a good idea just because we fear terrorism. President Bush, the Secretaries this afternoon have said, let us go back to normal life. A normal life is not marshal law. I urge all my colleagues to vote against this amendment.

Mr. STUMP. Madam Chairman, I rise in support of the amendment offered by the gentleman from Ohio, Mr. TRAFICANT.

The amendment would reaffirm existing authorities of the President to use members of the Armed Forces in support of law enforcement operations to deny terrorists and drug traffickers entry into the United States. The Department of Defense currently provides personnel, equipment, and intelligence to assist local, state, and federal law enforcement organizations to include the Customs Service and the U.S. Border Patrol.

I believe the Department of Defense must continue to be prepared to respond to the range of threats against the nation and participate where appropriate with law enforcement. While this amendment does not mandate any specific actions by the President, it would establish a process by which the Secretary of Defense may make available additional personnel at the request of the Attorney General or the Secretary of the Treasury.

Madam Chairman, the amendment is reasonable and I support its adoption.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in opposition to the Trafficking Amendment to H.R. 2586.

The Trafficking Amendment would assign, at the request of the Attorney General and the Treasury Department, military personnel to assist in patrolling the borders of the United States. The Trafficking amendment also provides for the establishment of a task force by either the Treasury Department or the Justice Department to aid in counter-terrorism and drug interdiction efforts.

The Trafficking Amendment is a bad amendment for a number of reasons. First, Mr. Chairman, our military forces are spread too thin internationally. This amendment would cause additional stress on our service men and women and their families at a time when our forces are engaged in the world's largest terrorist eradication campaign. Even our National Guard and reserve units around the country are engaged in this effort. To use military personnel in civilian roles is simply not an efficient use of this nation's manpower, especially when our border patrol agents can accomplish the same goals with the assistance of new rules and regulations. Let me point out a few key reasons why we need a policy change in our current structure.

The U.S.-Canadian border, which extends for approximately 4,000 miles (excluding Alaska) is one of the longest land borders in the world. Approximately 300 Border Patrol

Agents assigned to one of eight Sectors share responsibility for controlling this vast border.

The current national strategy of the Border Patrol directs the vast majority of Border Patrol resources to the Southwest border which is about half the length of the U.S.-Canada border. We need more resources to be directed to the northern border. Currently, threadbare resources have left the United States vulnerable to terrorist sneaking into the country from Canada.

Monitoring the Northern Border is an enormous task and we do not have enough border patrol agents to be dispatched when illegal crossings are detected and there is a lack of agents on duty from midnight to sunrise.

With such a low number of agents assigned to each station that only cover a portion of the border—and no coverage of the border at certain hours—it is surprising that people are apprehended at all.

The best enforcement strategy should be a regional one that will ultimately focus key screening efforts at the two countries external borders through the use of joint intelligence.

Madam Chairman, I do acknowledge the fact that State and federal military personnel have been used in civilian law enforcement activities. For example, the U.S. Forest Service and U.S. Customs Service have used federal military personnel to plan drug interdiction operations. But, the utilization of federal military personnel is rarely used to implement and carryout full blown civilian law enforcement activities.

The Traffican Amendment goes too far and could very well violate the posse comitatus prohibition found in Title 10 of the U.S. Code which, in most cases, prohibits the use of full time active U.S. personnel for civilian law enforcement purposes. I urge my colleagues to oppose the Traffican Amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TRAFICANT. Madam Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 107-218.

AMENDMENT NO. 4 OFFERED BY MS. SANCHEZ

Ms. SANCHEZ. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. SANCHEZ:

At the end of title VII (page 234, after line 18), insert the following new section:

**SEC. 7. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.**

Section 1093(b) of title 10, United States Code, is amended by inserting "in the United States" after "Defense".

The CHAIRMAN. Pursuant to House Resolution 246 the gentlewoman from California (Ms. SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. SANCHEZ). Ms. SANCHEZ. Madam Chairman, I yield myself 1 minute.

Today, I join my colleague the gentlewoman from California (Ms. HARMAN) to offer this amendment. Our amendment is about safety and choice, and it is simple and fair.

This amendment allows military personnel and their dependents overseas to use their own funds to obtain legal, safe abortion services in military hospitals. The amendment has been re-drafted to leave no room for misinterpretation. It only affects U.S. military bases overseas.

In light of the recent events, I cannot think of a better time to address this issue. The President has already started to activate reserve units, and our brave men and women are being deployed overseas.

The military will not transport a woman out of a forward deployment unit to obtain medical services in a U.S. hospital. That is why our amendment has never been more important.

Women who volunteer to serve in our Armed Forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health, and their basic constitutional rights because of a policy with no valid military purpose.

This is a health care concern. Local facilities in foreign nations are not equipped to handle procedures. This is a matter of fairness.

Our amendment does not allow taxpayer-funded abortions at military hospitals nor does it compel any doctor who opposes abortion on principle to perform an abortion.

Vote for the Sanchez-Harman amendment.

Madam Chairman, I reserve the balance of my time.

Mr. RYUN of Kansas. Madam Chairman, I rise in opposition, and I yield myself such time as I may consume.

Our military serves to protect the lives of the innocent. This is clear to us now more than ever. Military treatment centers are dedicated to healing and nurturing life. They should not be forced to facilitate the taking of the most innocent of human life, the child in the womb.

Supporters of abortion in military hospitals argue that women in countries where abortion is not permitted will have nowhere else to turn. However, the U.S. military follows the prevailing laws and rules of the host country regarding abortions. Military doctors must obey the laws of the country where they are providing services, so abortions still could not be performed in these locations even if we passed this amendment that we are considering today.

This is also the wrong time for Congress to allow overseas military treatment facilities to become abortion clinics. Our administration is working hard to recruit Muslim countries to be a part of our coalition against terrorism. They are working to build a partnership to allow our military to operate in these countries. It would be counterproductive to risk eroding relationships with these countries that oppose abortion.

For the past 5 years, since 1996, the House has rejected attempts to overturn the ban on overseas abortions. The Sanchez amendment is simply one more attempt to reopen a contentious issue that this House has rejected from time to time. I urge my colleagues to maintain current law by voting "no" on the Sanchez amendment.

Madam Chairman, I reserve the balance of my time.

Ms. SANCHEZ. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), my colleague and the cosponsor of this amendment.

Ms. HARMAN. Madam Chairman, I thank my colleague, the gentlewoman from California (Ms. SANCHEZ), for her leadership and co-leadership on this very important issue.

Madam Chairman, as we mount our multilayered global efforts to fight terrorism, we need America's best talent. All of it. That includes the majority of Americans: women. And those women serving in our military overseas need access to health care.

As we have heard, this amendment is about health care, which may be denied these women, especially serving in austere countries, as travel back to the United States may become impossible.

We are not asking that the Federal Government pay for abortions for women overseas. Women who want this procedure will have to pay for it themselves. We are not asking that health professionals who do not wish to perform abortions be required to do so. Only willing doctors would provide this service.

As women deploy abroad, it is time to send the right message: as they protect our constitutional rights to life and liberty, we need to protect theirs.

Mr. RYUN of Kansas. Madam Chairman, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Chairman, I rise today to speak against this amendment to expand abortion services in overseas military hospitals.

Madam Chairman, let us be clear what we are talking about here. We need to put aside all the rhetoric. What this amendment does is allow the use of hard-earned taxpayer money to fund the procurement of abortions in our military hospitals overseas. The other side will throw out all kinds of false arguments and accusations concerning



this, but the amendment is fundamentally about how we use our taxpayer dollars.

This is not a controversial issue. The overwhelming majority of taxpayers oppose the use of publicly held Federal tax dollars for abortion. This is an amendment that has been rejected five times by this same House. Do the right thing and vote against passage of this amendment again.

Ms. SANCHEZ. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), my colleague on the committee.

Mr. KIRK. Madam Chairman, I thank the gentlewoman for yielding the time, and rise in support of this amendment.

Currently, Congress bans all abortions for military service members and their dependents in U.S. military hospitals overseas, including those which are privately funded. Women stationed overseas depend on base hospitals for medical care, often situated in areas where local facilities are inadequate. Prohibiting women from using their own funds to obtain these services endangers their health and well-being.

Madam Chairman, I speak as someone who served in Operation Northern Watch at Incirlik Air Base in Turkey just last year. The thought of sending one of our service women from Incirlik to a Turkish hospital in Adana for the kind of services they would receive there is not something I want to support.

I think our women in uniform deserve the very best health care, especially when they use their own funds.

Mr. RYUN of Kansas. Madam Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Madam Chairman, I was in the Army Medical Corps when the original policy banning abortions in U.S. military facilities was instituted by Ronald Reagan back in the early 1980s. And I could best describe the climate in those hospitals at the time as a collective sigh of relief.

While there were many people who were pro life, who objected to having abortions performed in the military facilities, there were quite a few people who were pro choice that I encountered who, nonetheless, took the position that they did not want to in any way, directly or indirectly, be affiliated with the performance of an abortion.

Anyone who has ever seen an abortion can understand why I am saying that. Typically, at the conclusion of the procedure, the abortionist attempts to reassemble the body of the aborted baby to make certain that they obtained all of the products of the conception, quote-unquote. It is quite a grisly procedure, and I think a lot of people who perhaps maybe lean on the pro choice side would nonetheless prefer it be done elsewhere.

I believe the current policy should be supported. This amendment should be voted down.

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Ms. SANCHEZ. Madam Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentlewoman from California (Ms. SANCHEZ) has 2 minutes. The gentleman from Kansas (Mr. RYUN) has 1½ minutes.

Ms. SANCHEZ. I reserve the balance of my time, Madam Chairman.

Mr. RYUN of Kansas. Madam Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Madam Chairman, the best reason to reject this amendment is because the military medical personnel want you to. It has only been fairly recently we actually had a law enforcing the policy that has been in effect for a long time that we are not going to do abortions in military medical facilities. Our military medical personnel do not want abortions done in their facilities no matter who pays for it. It is very important now to support our military. Please reject this amendment. This is not helpful to our military.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) has 1 minute remaining. The gentlewoman from California (Ms. SANCHEZ) has 2 minutes. The gentleman from Kansas has the right to close.

Ms. SANCHEZ. Madam Chairman, I yield 1 minute to my colleague, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Chairman, as I said earlier, this is an amendment on which I have spent considerable time. Let us understand what we are talking about.

The gentleman from Maryland (Mr. BARTLETT) just said personnel in military hospitals do not want to perform this service. They do not have to under this legislation.

He said let us support our military while deployed abroad. That is my point too.

Our military includes American women who have a constitutional right to reproductive health care. So let us give them access. Let us support them while they are deployed abroad. If there were easy answers, easy ways for them to return to the United States to have these procedures, that might be fine, but that is not the case.

If they are in Pakistan or other far-off places where access to quality health care may be difficult, they will not be able to return to the United States and their constitutional rights will be abridged.

The point I made earlier, consistent with the thrust of this amendment, is that we need to respect women and men in our military. We need to pass the Sanchez amendment.

Ms. SANCHEZ. Madam Chairman, I will leave the closing of this amendment to the gentlewoman from New York. I yield the balance of my time to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Chairman, I rise in support of the Sanchez-Harman amendment.

Our country is at war. Our troops overseas are risking their lives to protect our lives and our rights as U.S. citizens. One of those rights is a woman's right to choose. But women serving effectively lose this constitutional right at U.S. military bases where they literally cannot even buy an abortion.

A male member of the armed services needing medical attention receives the best. A female member needing a specific medical procedure must return to the United States, often at great expense, or go to a foreign hospital which may be unsanitary and dangerous. All she wants is the right to choose and the right to pay for the bill.

We need to come together as a Nation to support our armed services. Passing this amendment is the least that we can do.

Mr. RYUN of Kansas. Madam Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Chairman, have not we had enough violence lately? With all due respect to the gentlewoman from California (Ms. SANCHEZ), the amendment she offers will result in babies being brutally killed by abortion and will force pro-life Americans to facilitate the slaughter of innocent children. Sanchez will turn military hospitals into abortions mills. I want no part of the carnage.

Madam Chairwoman, abortion is violence against children. Some abortion methods dismember and rip apart the fragile little bodies of children. Other abortion methods chemically poison children. There is nothing benign or "curing" or nurturing about abortion. It is violence.

We worry today about the agony of chemical attack. Yet abortionists routinely attack unborn children with lethal chemicals. Abortionists turn the babies spines to jelly. Abortionists turn children's bodies into burned corpses, a direct result of the caustic effect of salt poisoning and other methods of chemical abortions. It's gruesome yet the apologists sanitize the awful deed with soothing, misleading rhetoric.

Abortion methods are particularly ugly, Madam Chairman, because under the guise of choice, they turn human baby girls and baby boys into dead baby boys and baby girls. We have had enough loss of innocent life. Reject the Sanchez amendment.

Ms. SCHAKOWSKY. Madam Chairman, I strongly support the amendment offered by the Gentlewoman from California to lift the ban which forbids service women and female military dependants from using their own funds for abortions at overseas military hospitals. At a time when we are sending more military personnel overseas, we must not limit the medical care those individuals will have to be able to access.

These brave women serving our Nation risk their lives for our freedom and they deserve the same constitutionally protected health care we enjoy in the United States. Their lives should not be further endangered because they can not receive quality health care while they are serving in the line of duty. This policy is unfair. It denies women in the military the right to make their own decisions regarding their reproductive health. Is this the way we really want to treat women who are overseas or heading overseas to defend our Nation?

We as lawmakers can not continue to place the reproductive health of American women in uniform at risk. I urge my colleagues to join me in supporting this amendment and repealing this ban which discriminates against our Nation's service women and their dependents, preventing them from obtaining needed medical services simply because they are stationed overseas.

Ms. JACKSON-LEE of Texas. Madam Chairman I rise in support of the Sanchez/Harman Amendment to H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. This amendment would reverse the ban on privately funded abortion services at U.S. military bases overseas.

The brave men and women serving our Nation risk their lives for our freedom, and they give up liberties that many of us take for granted. But our soldiers and their families deserve the same constitutionally protected health care as we enjoy living in the United States. This amendment is not only in the best interest of our military families, but will help our national recruiting and retention efforts as well.

The facts are simple: No Federal funds would be used for these abortion services. Health care professionals who are opposed to performing abortions as a matter of conscience or moral principle would not be required to do so. This simply repeals the statutory prohibition on abortions in overseas military hospitals, allowing women stationed overseas to use their own funds for abortions. It returns the policy to the way it was for decades—during administrations of both parties.

Our soldiers cannot do their jobs when they have to go off base—often in hostile nations—for medical care. And they cannot do their jobs if they are taking time off to go halfway around the world to come back to the United States for a procedure they should have been able to get on base. This is a legal procedure available to all other American women.

Further, this is not the time to debate abortion, or to argue over whether it's right or wrong. Roe v. Wade guarantees the right to choose, and that should be the rule for military bases as well. Abortion is legal, and the law should apply to all U.S. citizens, not just those who don't wear our country's uniform.

In the past this amendment has been supported by the Department of Defense. And let me repeat, this amendment requires no taxpayer money, no public funds for any expenses related to an abortion.

I urge my colleagues to correct this misguided policy and vote for the Sanchez-Harman amendment.

Ms. MCKINNEY. Madam Chairman, I rise in support of the Sanchez amendment. Though the U.S. Supreme Court has affirmed the right of women to seek abortions if they choose,

this right does not carry with women when they travel overseas with our military. This amendment would simply permit service women and female dependents who serve or reside overseas to obtain privately funded abortions in military facilities. Should we instead force them to seek such medical procedures in back alleys or third world hospitals, or are we ceding ourselves the authority of the Supreme Court in prohibiting a woman's right to choose? We all respect women's health, we all support the sanctity of the Supreme Court, and we should all support this important amendment.

Ms. MILLENDER-MCDONALD. Madam Chairman, I rise today in support of the Sanchez/Harman amendment because I believe in healthcare parity. Our servicemen and servicewomen operate under the premise that the level of health care they receive anywhere they are stationed will be consistent with the same quality of care they would receive in the United States.

This amendment is not about the legal merits of Roe v. Wade. We are not evaluating the moral merits of a woman's right to choose. We are debating the policy of parity and the assurance that uniform health care services will be delivered to service people wherever they are stationed. Medical services will be provided consistent with historical practice, medical convention and statutory requirements consistent with the laws of the state where they reside. The facts are clear. Federal funds will not be used to terminate pregnancies. Furthermore, physicians opposed to performing said operations are not forced to do so.

Finally, the provision of health services should not be predicated on one's ability to pay for it. We must ensure that all female service personnel can avail themselves of legal medical services that are comparable to those in the United States, even if they are on a military base. Otherwise we will be creating a caste system, whereby only persons with the financial means to return to the states to receive the medical treatment they want and need would be able to do so. I ask my colleagues to support the Sanchez/Harman amendment.

Ms. WATERS. Madam Chairman, I rise in support of the amendment being offered by Representatives SANCHEZ and HARMAN. This amendment is a common sense approach to the question of abortion procedures for servicewomen at bases overseas.

The law is clear here in the United States: women have the right to choose to have an abortion and to obtain it without undue interference from the government. Roe v. Wade established that right nearly 30 years ago, and no case since then has struck it down. That right belongs to all women residing in the U.S. It should not be taken away when our women decide to serve this country and are stationed overseas.

Without this amendment, our servicewomen will not have access to safe abortion procedures in U.S. military medical facilities overseas. They are at risk of being subjected to unsafe methods in non-military medical facilities. Meanwhile, overseas servicemen and servicewomen seeking any other type of health care are able to access good, safe health care at military medical facilities.

This amendment does not ask the government or taxpayers to fund the abortions. And

the amendment would not force anyone in a U.S. military medical facilities overseas to perform the procedure. Rather, this amendment merely gives our servicewomen the right to have an abortion in a safe facility, provided that they pay the cost of the procedure and the doctor agrees to perform it.

This is the very right those same women would have here in the United States, if they had not willingly sacrificed so much to serve our country. The amendment simply would restore previous policy that was in effect for decades, through both Democratic and Republican administrations. It is the least we can do for our servicewomen.

Mrs. LOWEY. Madam Chairman I rise in strong support of the Sanchez amendment, which would allow military women and dependents stationed overseas to obtain abortion services with their own money. And I want to thank my colleague LORETTA SANCHEZ for her fine work on this important issue.

Over 100,000 women live on American military bases abroad. These women risk their lives and security to protect our great and powerful Nation. These women work to protect the freedoms of our country. And yet, these women—for the past 7 years—have been denied the very Constitutional rights they fight to protect.

My colleagues, this restriction is un-American, undemocratic, and would be unconstitutional on U.S. soil. How can this body deny constitutional liberties to the very women who toil to preserve them? Mr. Speaker, as we work to promote and ensure democracy worldwide we have an obligation to ensure that our own citizens are free while serving abroad. Our military bases should serve as a model of democracy at work, rather than an example of freedom suppressed.

This amendment is not about taxpayer dollars funding abortions because no federal funds would be used for these services. This amendment is not about health care professionals performing procedures they are opposed to because they are protected by a broad exemption. This amendment is about ensuring that all American women have the ability to exercise their Constitutional right to privacy and access to safe and legal abortion services.

As our Nation prepares for a severe and lengthy battle to preserve our freedoms and democracy, now is not the time to put barriers in the path of our troops overseas. We know that not one of these restrictions on abortion does anything to make abortion less necessary—it simply makes abortion more difficult and dangerous.

It is time to lift this ban, and ensure the fair treatment of our military personnel. I urge passage of the Sanchez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. SANCHEZ).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. RYUN of Kansas. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. SANCHEZ) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 107-218.

AMENDMENT NO. 5 OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. STUMP:

At the end of division A (page 348; after line 8), insert the following new title:

**TITLE XV—ACTIVITIES TO COMBAT TERRORISM**

**Subtitle A—Increased Funding to Combat Terrorism**

**SEC. 1501. INCREASED FUNDING.**

(a) IN GENERAL.—The amount provided in section 301(5) for Operation and Maintenance, Defense-wide Activities, is hereby increased by \$400,000,000, to be available as follows:

(1) INTELLIGENCE PROGRAMS.—For increased situational awareness and upgrades to intelligence programs to enhance United States security posture, \$100,000,000.

(2) ANTI-TERRORISM INITIATIVES.—For enhanced anti-terrorism and force protection initiatives to reduce vulnerabilities at United States military installations and facilities in the United States and worldwide, \$150,000,000.

(3) COUNTER-TERRORISM INITIATIVES.—For offensive counter-terrorism initiatives, \$100,000,000.

(4) CONSEQUENCE MANAGEMENT ACTIVITIES.—For consequence management activities, \$50,000,000.

(b) TRANSFER AUTHORITY.—The amounts specified in subsection (a) are available for transfer to other current accounts of the Department of Defense, as determined by the Secretary of Defense.

**(c) OFFSETTING REDUCTIONS.—**

(1) The amount provided in section 201(4) for Research, Development, Test, and Evaluation, Defense-Wide is hereby reduced by \$265,000,000, to be derived from amounts for the Ballistic Missile Defense Organization, of which—

(A) \$145,000,000 shall be derived from the Mid-Course Defense Segment program element (PE603882C); and

(B) \$120,000,000 shall be derived from the Boost Phase Defense Segment program element (PE603883C) for space-based activities.

(2) The amount provided in section 301(5) for Operation and Maintenance, Defense-wide Activities, is hereby reduced by \$135,000,000, to be derived from amounts for consulting services.

**SEC. 1502. TREATMENT OF TRANSFERRED AMOUNTS.**

Funds transferred under authority of section 1501(a) shall be merged with, and shall be available for the same time period as, the appropriations to which transferred. The transfer authority under that section is in addition to the transfer authority provided by section 1001.

**Subtitle B—Policy Matters Relating to Combating Terrorism**

**SEC. 1511. ASSESSMENT OF DEPARTMENT OF DEFENSE ABILITY TO RESPOND TO TERRORIST ATTACKS.**

(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of the ability of the Department of Defense to provide support for the consequence management activities of other Federal, State, and local agencies, directly taking into account the terrorist attacks on the United States on Sep-

tember 11, 2001, and the changed situation regarding terrorism.

(b) RECOMMENDATIONS.—The Secretary of Defense shall submit to the President and Congress a report providing recommendations for ways to enhance the ability of the Department of Defense to provide support described in subsection (a). The report shall address the recommendations made by the Vice President in his report to the President on the development of a coordinated national effort to improve national preparedness, including efforts to combat terrorism, as directed by the President in May 2001. The report shall be submitted not later than 60 days after the date on which the Vice President submits to the President the report under the preceding sentence.

**SEC. 1512. REPORT ON DEPARTMENT OF DEFENSE ABILITY TO PROTECT THE UNITED STATES FROM AIRBORNE THREATS.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the ability of the Department of Defense to protect the United States from airborne threats, including threats originating from within the borders of the United States. The report shall identify improvements that can be made to enhance the security of the American people against these threats and shall recommend actions, including legislative proposals, designed to address and overcome existing vulnerabilities.

**SEC. 1513. ESTABLISHMENT OF COMBATING TERRORISM AS A NATIONAL SECURITY MISSION.**

Section 108(b)(2) of the National Security Act of 1947 (50 U.S.C. 404a(b)(2)) is amended by inserting “, including acts of terrorism,” after “aggression”.

**SEC. 1514. DEPARTMENT OF DEFENSE COORDINATION WITH FEMA AND FBI.**

The Secretary of Defense shall seek an agreement with the Director of the Federal Bureau of Investigation and the Director of Federal Emergency Management Agency that clarifies the roles of Department of Defense Weapons of Mass Destruction Civil Support Teams in relation to both agencies with respect to coordination of the roles and missions of those teams in support of crisis management and consequence management efforts.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Arizona (Mr. STUMP) and a Member opposed each will control 20 minutes.

Mr. TIERNEY. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Massachusetts (Mr. TIERNEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of this amendment. The September 11 terrorist attack on the United States was a wake-up call for our country. It demonstrated the vulnerability of our Nation to attack on a magnitude unseen since Pearl Harbor. Thousands of innocent Americans lost their lives as a result of terrorist attacks that we failed to detect and prevent. This situation must never be allowed to happen again.

Terrorists have declared war on the United States, and it is up to the Con-

gress to ensure that the United States has the appropriate means to respond. H.R. 2586 provides nearly \$6 billion to the Department of Defense for the purpose of combating terrorism. This amendment would authorize an additional \$400 million as a down payment on additional improvements to ensure that our ability to detect, prevent and, if necessary, respond to terrorist attacks is strong and effective.

Madam Chairman, this amendment would increase funds to the Department of Defense in a number of important areas that will strengthen our ability to combat terrorism. It would provide an additional \$100 million for improved intelligence.

It includes an additional \$150 million for antiterrorism initiatives. Force protection is an essential priority if we are to reduce existing vulnerabilities at military installations at home and abroad.

An additional \$100 million would be dedicated to improvements in our offensive counterterrorism capabilities. In addition, the amendment would add \$50 million to improve DOD's ability to assist in the effort to deal with the consequences of a terrorist attack.

Clearly, more than this will be needed to respond and to properly equip the Pentagon to deal with this new challenge. This amendment provides an initial down payment until the President can better assess the long-term needs.

Finally, this amendment would grant the Secretary of Defense the flexibility he needs to apply these additional funds to the most critical priorities. The amendment also contains a number of legislative initiatives designed to improve DOD's overall ability to protect Americans against the threat of terrorism.

This amendment has been carefully crafted with the support of the committee's ranking member, the gentleman from Missouri (Mr. SKELTON), and is well balanced; and I thank the gentleman for his cooperation. I urge my colleagues to support the amendment.

Madam Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Madam Chairman, I support this amendment because I believe it correctly sets out today's priorities for the Department of Defense. I have to say that this amendment represents an unusual, but successful, collaboration.

The gentleman from South Carolina (Mr. SPRATT) and I set out earlier this year to revise what we believed to be a disproportionate increase in the amount dedicated to missile defense. Members from both sides recognize the gentleman from South Carolina (Mr. SPRATT) as a true authority on the subject with a grasp of detail which is astonishing. We believe that other items in the budget deserve a higher priority, so we proposed to move a substantial

amount from national missile defense into increased pay and improved family housing and counterproliferation efforts. And had matters turned out differently, this may have been a very spirited debate.

Then America was struck with an abominable act that demanded a united response. Both parties, from the Speaker and the minority leader on down, agree whatever our differences are on this subject, the Nation would not be served by a divisive debate. So we reached a compromise.

While I support missile defense, and the gentleman from South Carolina (Mr. SPRATT) supports missile defense, we have clear differences on how rapid and wide-ranging the research effort should be. But those differences pale next to our common goal of enhancing the security of our country from its most proximate threat.

Today, that threat is acts of terror against the innocent by the inhuman. This revealed importance of fighting terrorism has joined us in common cause.

The public is so often cynical about agreements in Congress, but we made an agreement; and this is one that aims toward the highest military priority, the fight against terrorism; and that is what this amendment does.

Mr. TIERNEY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I, too, have high words of praise for the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Missouri (Mr. SKELTON) and the gentleman from Arizona (Mr. STUMP), who worked hard on this issue.

However, I have to make mention that I think we are going in the right direction perhaps in reducing the amount of money allocated to national missile defense, but we are not going far enough. We would all love to throw an umbrella around this country and stop any type of missile projection coming in here; and if we could do that, there would not be a Member of Congress that would hesitate to vote for it.

The fact of the matter is that we do not have a system that works that way, and every reputable scientist indicates that we will not have a system like that in the foreseeable future, if at all.

The Pentagon's own operations office and research office and technical office has indicated that not only have the tests not been successful to indicate that a system would work, but that the regime for testing as we go forward is not adequate to ever give us the confidence that any system would be reliable. In essence, we would be buying a false sense of national security.

We have to as a Nation set our priorities on this issue. We have been setting our priorities supposedly in line with what dangers, what risks, what threats may actually exist. But our in-

telligence services do not tell us that the primary risk threat to us is an intercontinental ballistic missile sent from a so-called rogue nation.

It is, instead, something along the lines of what we experienced on September 11, and yet we do not align our national security budget in that direction. We are going to pay the price if we do not pay attention on that.

There are a number of reasons why we should not go beyond just testing this system; and yet this budget calls for not only testing a national missile defense system, but actually deploying it and violating the ABM treaty in the process, something which many in this country do not think is wise, certainly our allies do not think is wise, and gives great concern to Russia and China, nations upon whom we are now calling for their cooperation, yet telling them at the same time that we are going to unilaterally violate an agreement, a treaty, binding their countries and ours.

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It does not make sense, it is not good fiscal policy, and frankly it is not good national security policy. If we want to really protect this country and give our citizens some feeling that we are secure in our lives and in this land, we should organize our priorities, understand which risks really are threats of immediacy, and allocate our resources in that direction. Spending 60 to \$100 billion on a system we have not yet proven can work and have not yet shown that we can have any confidence in its reliability is not the right direction.

Putting resources into home front security, where we know now especially what our concerns are, knowing that we have some 40 agencies whose efforts have to be coordinated, knowing that we have to work diplomatically, through intelligence, through law enforcement, as well as the military, and we have to make sure we have cooperation of everyone throughout the world, we know that this is going to be expensive, and we know that we still have a domestic budget and items that we have to confront at the same time.

We should get our priorities straight, Madam Chairman. We should not put this excessive money into national missile defense. Even those of us who think that we are nowhere near ready to go forward can get others to agree that we should just, at most, do testing and not move us into this dangerous path of starting to build before we are ready, before we have something that can be shown to work. We have done that in other programs, the F-22, the Osprey, at our great risk and disappointment and sometimes lives. We ought not to start down this particular path.

We ask people to consider that when they vote on this particular amendment. It does not go far enough in cutting funds for national missile defense.

It does not put our priorities in the proper order. It does not give us true national security but, rather, gives us a prospect of national insecurity.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Madam Chairman, I thank the gentleman for yielding time. I rise to support his amendment and also support his intent.

He talks about this being a down payment on what we are going to need to do to fight a war on terrorism, and it is. It is really just a placeholder, a down payment on what will be required in conference with the Senate. All of us know in this Chamber that with respect to fighting the war on terrorism, this bill is woefully inadequate. It is a pre-September 11 bill.

I would like to highlight some of the things that we are going to have to do in conference with the Senate and with the assistance and the leadership of the President of the United States. Our job is to look forward at what are the capabilities we need to make sure are in place to defend this country when our men and women are called upon to defend this country. We need to establish in law the Office of Homeland Security. I am glad Governor Ridge will be taking up that responsibility. But we need to give him the support he will need to do the job.

We are going to have to completely rebuild airport security in this country. What we have now is inadequate, and everyone who travels on our airlines knows it. We are going to have to fund the operations, readiness and munitions accounts at much higher levels. The assumptions in this bill on operational tempo do not take into account what we are currently asking our military to do. And, perhaps most importantly, the most gaping hole that has been shown to the world in the last 2 weeks is the gaping hole in domestic intelligence. Without even changing the laws on what the government can gather for information, we are not coordinating the information that we have now between the Border Patrol and Customs and local law enforcement and the FBI. Without doing that, we will never be able to provide the protection that we need that will come first and foremost from intelligence.

Finally, Madam Chairman, this bill is inadequate with respect to what it funds for the National Nuclear Security Agency. We have authorized the refurbishment of four classes of weapons. Yet we do not fund that refurbishment. We have said that we want to have science-based stockpiled stewardship so we can have a safe, reliable nuclear weapons stockpile without nuclear testing, but we do not fund it. We are short \$300 million in those accounts. We are short also on cybersecurity in the National Nuclear

Security Agency which the Cox report and the President's foreign intelligence advisory board have said is a major priority for this country. That total shortfall of over \$800 million in the National Nuclear Security Agency must be remedied.

We are going to have to make major changes in this bill in conference. I think all of my colleagues understand that.

Mr. TIERNEY. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Madam Chairman, on September 11, America was assaulted, attacked, not with missiles, but with knives. This amendment reflects that new reality. It reduces funds for programs that could violate the ABM treaty and shifts that money to counterterrorism and sends the message that America honors its commitment.

Former Secretary of Defense Mel Laird, who played a key role in the treaty's ratification under President Nixon, recently said, and I am quoting, "An amended ABM treaty remains as relevant to peace and security today as it was 30 years ago. Deep-sixing the treaty instead of negotiating amendments would only create a less stable relationship."

Last week, there were reports that the U.S. was about to withdraw from the treaty, but since then, Secretary Powell has reaffirmed our commitment to a new understanding with Russia on missile defense. That is eminently wise. Russia will be a key ally in the days ahead as the administration attempts to create an international coalition to fight terrorism.

So let us support those efforts and commit resources to the real threat we face today.

Mr. STUMP. Madam Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Chairman, let me thank the chairman and obviously the Congress for looking very critically at this amendment. This is very, very important.

I never served in the military. My father did. But one thing I know for certain, the responsibility of the Federal Government is to provide for national security and domestic tranquility. These two points of view that are shared in this bill are essential to that operation.

I appreciate the work of the gentleman from Missouri (Mr. SKELTON) and certainly of the gentleman from Arizona (Mr. STUMP) and all the Members who have been active in military preparedness for this Nation. Yes, September 11 was a horrifying day. It woke this Member up to the fact that we are ill prepared to meet the challenge and this is vitally important.

People have scoffed at missile defense, they have said it is not nec-

essary, and they make the representation that the attack was by knives. I agree. There were issues in that attack that knives were used. But if we allow our safeguard to diminish, if we do not properly apply technology and we do not thoroughly fund this program, we will rue the day we were ill prepared to defend American soil.

I applaud the manager's amendment, and I support the underlying legislation.

Mr. TIERNEY. Madam Chairman, I yield myself 45 seconds.

First, we will have national insecurity, not national security if we start down the path of deploying and actually building and producing a system that is not yet workable. I do not think anybody can make a logical argument that this system is ready to work. I understand everybody would love to have it, but it just does not work that way. Our testing is not there. That is simply the argument here. Are we going to give in this budget so much money that it goes beyond testing and starts with building when it is not ready, therefore giving us national insecurity?

Are we going to give ourselves just the amount that we need for testing and continue to do that until testing shows that we have something that is workable, or are we going to waste resources by building something and then have to go back to the beginning at far more expense, at possibly the expense of lives, because we relied on something that does not work? For \$1.6 billion, we can put money into airline security that we choose to put it in this way, and that is wrong.

Mr. STUMP. Madam Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Madam Chairman, I rise in an attempt to try to set the record straight on some of the facts for those who have spent the time attending all the classified hearings and briefings and asking the questions of both the intelligence community and the members of the committee. I might say for the 6 years that I chaired the Research Committee, we opened up our briefings and hearings to every member. I do not know how many of those my colleague attended. I know I attended 160.

So we can get up on the floor publicly and talk about something, but it is something else to sit in on all the classified briefings and ask the tough questions of the people who are making these decisions. I am not challenging the gentleman's motives because he has the right to do what he thinks is in the best interests of the country, but I also think we need to understand that many of our colleagues have sat through these briefings, and let us clarify some misinformation.

First of all, we do not have an adequate testing program. It was this Congress for the past 6 years, 7 years, with

an overwhelmingly bipartisan vote that called for more money for testing. It was this Congress, in spite of the objections of those who opposed missile defense, who now say we need more testing, who opposed us when we put more money in for testing. It was this Congress who led the effort to find a way to come together in a bipartisan effort to support a consensus around missile defense. It is this Congress that tomorrow will send 12 Members of Congress to Russia to seek very deliberate discussions to build a cooperative arrangement with the Russians that does not have them feel as though they are isolated.

I invite my colleague to go with us. We still have room on the plane. I can get him a visa tomorrow so that he can support our effort which his colleagues will be a part of to meet with the Russian Duma leaders, to meet with the Russian defense ministry to show them that we do care about a cooperative arrangement as opposed to sitting on the floor of the House and in some cases, not particularly perhaps the gentleman, but in some cases demagoging this issue.

Let us get down to the facts and let us talk about tests. The last time I checked, we had about 31 tests of our missile defense programs. Sixteen times, I will admit, we did not have successes. But that was not because of missile defense. It was because the contractors could not get the rocket in the atmosphere.

Now, if the gentleman's argument is that that constitutes a failure, then he better shut down Cape Kennedy, because the same technology for stage separation, the same technology for launching a ballistic missile is the same identical technology for launching rockets. If you believe that is a reason to cancel missile defense, you better shut down our space program. It is the same technology.

Of the 15 times that we had tests where we did get out to the atmosphere, we hit the target 13. We missed it twice. Thirteen of 15 where the interceptor saw the target and hit it is not a bad track record. I ask for my colleague to dispute that with the facts. I will back mine up with ballistic missile defense organization numbers. So, in fact, our testing program has been successful.

The point is, Madam Chairman, the colleague is saying we need more money for weapons of mass destruction. Cut me a break. If you check the facts of our defense bill, in each of these last 7 years, we have put more money into weapons of mass destruction than the President asked for. We have put more money into cyberterrorism, more money into detection systems by hundreds of millions of dollars every year. And my colleague says, well, an airplane is not going to be impacted by a missile defense system.

Well, I hate to make the comparison here, but what do you think an airplane is? It is a large missile. It just so happens that these terrorists could use people on that plane because they did not have the technology ready to put that missile on a cargo ship off of our coast. We have no defense against that kind of capability. I can tell you, when the Iranians, when the Iraqis, the Syrians and Libyans have that capability, which they are very close to now, we are not going to have the capability to defeat it and then it will not be an airplane, it will be a missile without people in it.

So I say to my colleagues, support the compromise. I am not happy with this. But the gentleman and the ranking member do what they have to. Support it. It is good policy and it is a good vote in favor of, I think, a logical solution.

Mr. TIERNEY. Madam Chairman, I yield myself such time as I may consume only because I do not want to let time pass between the gentleman's comments and reality.

The fact of the matter is, I heard the word "demagogue" used in there, and I certainly hope that it was not pointed in this direction after what I just heard. The true fact of the matter is we only have to look at scientists. There are a number of people missing from this debate that would not be in favor of national missile defense. They are basically most scientists, our European allies and friends in other countries and a large part of our military.

The fact of the matter also is that we do not rely on the same technology for NASA that we rely on for the missiles because if NASA fails, we understand that we need to go forward in there, we can have other attempts at this. If we are relying on a missile defense system and it fails, we are all dead. The fact of the matter is we need to test to make sure it works.

As to further facts on that, I have been to classified briefings. You would think after 106, that that would settle in and the information would come out clearer. It does not take 106 to understand what is going on here and what is happening with the allocation of resources. This system has never fully tested the exact system that will be used ultimately. It has never shown that that would work. In fact, when there have been so-called successes here, it has usually been because there has been a beacon, because there has been some other sort of radar systems working other than the ones that will eventually come in. We have spent over \$60 billion in the last several years on trying to design a national missile defense system that has not worked.

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If we are going to continue to spend money, it ought to be testing to get to a system that we can then have some level of confidence in its reliability, not start building something that the

Pentagon's own Office of Testing and Evaluation tells us has not been tested properly, has not been tested to show it is successful, and whose testing regime does not show that.

It is not a lack of money. Colonel Welch on the panel says clearly, you can keep throwing money at this. Money is not the issue. The issue is doing the tests, doing them properly, and getting to a point where you have some success on that.

Madam Chairman, I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Chairman, I thank the gentleman for yielding me time and for the opportunity to work with him on this. I also want to thank the gentleman from Pennsylvania (Mr. WELDON), because in the time I have been in Congress, there are not many people as patriotic and concerned about defending America as the gentleman from Pennsylvania (Mr. WELDON). I have had the chance to go to Russia with him and travel with him on many opportunities.

We may not agree on this issue, but I do not doubt for a second the gentleman's commitment to this country. And I would ask that our commitment to our country not be doubted when we say that it is really time to look at missile defense with great skepticism. When we look at the events of the last 2 weeks, we have seen our President put together a coalition of countries from around the world, a world coalition that is going to challenge terrorism.

I think that now, more than ever, we have an opportunity to build from this world cooperation; to get rid of nuclear weapons once and for all, which was the promise of the non-proliferation treaty, it was the promise of the ABM treaty, and the United States has a new opportunity here.

I think the gentleman from Massachusetts is right when he raises questions that go to the heart of national missile defense, because the truth of the matter is if we pursue national missile defense, we inevitably deconstruct the ABM treaty, which is a basis for bringing nations together. And that ought to be our effort now as we are in the 21st century, at a time when democratic institutions are under attack.

I rise in support of the amendment, because I think the amendment reflects the new priorities of our Nation in the wake of the terrorist attacks. And I appreciate the ranking member's work and the chairman of the committee for their work in crafting the amendment.

The events of September 11, I would submit, have demonstrated that missile defense is ineffective in the threats facing the Nation today. Who can argue that a missile shield would have protected against the events of 2 weeks ago? We know that that attack on our

country was so devastating, precisely because it was perpetrated anonymously and amorphously, disarming and instilling fear in our Nation.

Aggressors employing this type of battle, what Pentagon experts have long known as fourth generational warfare, shun the conventional. Rather than intercontinental ballistic missiles, they employ car bombs; rather than armies, they target civilians and institutions. That is why this transfer of funds, from the development of an unproven, ineffective weapons system, to programs that will immediately help protect Americans citizens from attack, is so crucial.

Madam Chairman, let me say there is no illusion here. This amendment is not nearly enough. The defense bill authorizes the expenditure of \$343 billion. We must ask ourselves, will the expenditure of this money protect our Nation from the type of attack we faced 2 weeks ago?

Madam Chairman, I believe we need a new set of principles to guide our national defense. We need a lighter, more mobile force, capable of adapting to changing circumstances, including the emergence of terrorists and other fourth generational threats. We need to recognize that people, not machines, are our most effective asset. It is not excusable that our armed service members go wanting for housing and proper equipment, while we sink money into an unworkable weapons system.

We need to demand financial accountability from the Pentagon, which has not once passed the test of an independent audit. Similarly, we need a new comprehensive threat and risk assessment; and we need to combine these efforts to a comprehensive program to prevent attacks like we had 2 weeks ago.

Mr. STUMP. Madam Chairman, we have only one speaker remaining. I reserve the balance of my time.

Mr. TIERNEY. Madam Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Chairman, the gentleman from Missouri (Mr. SKELTON) and I began with an amendment of \$920 million to be taken out of ballistic missile defense and transferred into a pay raise, family housing, homeland defense, and counterproliferation, all urgent needs, none of which is fully met.

It became apparent to us, particularly after September 11, that we were not going to be able to sell an amendment cutting this amount. So we, in the spirit of bipartisanship, made a deal. We agreed to lower the amount of the amendment to \$400 million, of which \$135 million had already been cut or reduced by the gentleman from California (Mr. HUNTER), the chairman of the subcommittee with jurisdiction over this matter. That left \$265 million to be taken from basically two places in the BMDO budget.



First of all we took \$120 million out of space-based lasers. Why? To put it in common parlance, we are simply saying, walk before you run. We have got an airborne laser system which has yet to prove itself. We should prove that technology on an airborne platform before we try to put it in outer space. This is a futuristic system, way over the horizon. Ballistic missile defense does not lose anything at all by that cut.

Secondly, we took \$145 million out of mid-course systems and particularly out of sea-based mid-course systems. Why? The Navy has two systems now which are ship based. One is an area-wide system called "lower tier," the other is a theater-wide system called "upper tier." The area-wide system has just been slipped 20 months. The upper tier system has yet to make the first intercept. We are simply saying again, walk before you run, and, for goodness sake, do not start up a proliferation of programs that cannot be sustained in follow-on budgets. So we would trim there.

We made the cuts discreetly. We did not make hand-fisted, meat-ax cuts; we made discrete cuts that will allow this program to go forward more, I think more efficiently and more effectively.

Where did we put the money? Well, September 11 caught us nodding, and it also caught us focused on a threat, almost fixated on this threat, and ignoring other threats. So taking a page, a cue from the lesson of September 11, we took this \$400 million and put \$100 million into intelligence programs, \$150 million into antiterrorism initiatives, \$100 million into counterterrorism initiatives, and \$50 million into consequence-management activities, the kind of activities that will have to occur in the wake of the next tragedy, God forbid that there be one.

So we have made the cuts wisely and discretely. We have made the allocation of the savings wisely as well. This is a good compromise, it is a good amendment. I urge support for it.

Madam Chairman, on September 6, 2001, Ranking Member IKE SKELTON and I filed an amendment with the Rules Committee affecting the Ballistic Missile Defense Organization (BMDO) title of H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

The amendment would have taken less than one-third, \$918 million, out of the \$3 billion increase proposed for BMDO and transferred the money to three areas of urgent national security interest: \$450 million for an additional 1 percent pay raise for military personnel; \$250 million to address the most pressing family housing improvement needs; and \$219 million for homeland defense and counter-proliferation efforts. Even with our amendment, spending on ballistic missile defense (BMD) programs would have increased next year by \$2 billion to \$7.3 billion, or 38 percent.

The largest cut in our amendment as originally filed would have come from Fort Greely, Alaska, and here's why:

Greely is said to be part of the Pacific test bed, but in truth, no missiles can be launched

and tested from the silos at Fort Greely, as the booster stages would separate and drop over populated areas.

The booster on the missiles to be based at Fort Greely is not the objective booster; it's an improvised Minuteman booster. The kinetic kill vehicle that sits atop the booster is also a test article, far from being proven. Its configuration will surely change as a result of testing before the final production design is selected.

The site at Fort Greely lacks an X-band radar for tracking incoming re-entry vehicles and guiding the interceptors as they close on their targets; a radar with this kind of range and resolution is essential to a mid-course intercept system.

Finally, the system of Low-Earth Orbit, Space-Based Infrared Sensors known as "SBIRS-Low" is still years away from being deployed; any ground-based intercept system without X-band radar and SBIRS-Low is going to be an extremely limited system.

BMDO argues that the 5 interceptors at Ft. Greely may give us an "early capability" against an emerging threat. But with test article components and a subpar radar, this system will have little, if any, utility against a threat launched against the West Coast of the United States, and BMDO freely admits it will have no capability whatsoever against a missile launched at the East Coast.

I felt then that given the unmet needs in this budget, it was not wise to sink so much money into these silos, for such little gain. Frankly, I continue to believe that. However, in the wake of the horrible events of September 11th, Members on both sides of the aisle have come together to seek a compromise on this issue.

We have agreed not to cut funding for Ft. Greely, but in truth, many on this side of the aisle continue to have concerns about that proposal. In the interest of bipartisanship, we are putting aside this issue today, but I expect that we will revisit this issue in the next budget cycle. As a result, the amount of the cut contained in the compromise amendment is far below the level contained in the Skelton-Spratt amendment. However, two important elements of our original amendment have been largely preserved. I want to thank Chairman STUMP for his willingness to work on this with us.

The compromise makes a total cut below the President's request for BMDO of \$400 million. \$120 million of this total is taken from Space-Based Programs. This is the same amount as was cut by the Skelton-Spratt amendment, and reflects the good government logic that this immature technology should be funded only at a concept development level.

Another \$145 million is taken from the Mid-Course Intercept program. I argued for this cut to come out of Sea-Based Mid Course intercept, which is where the Skelton-Spratt amendment would have taken it, but the agreement leaves the cut less specific. I believe the cut should be made out of the Sea-Based NMD account, and it is my hope we can make the cut more specific at a future time.

A sea-based mid-course defense would entail an entirely new NMD platform, and before embarking on such an effort, BMDO should first demonstrate the maturity of the Navy's theater defense programs, which are technically less demanding. At present, however,

the Navy Area Wide program has seen its schedule slip by 20 months, and the Navy Theater Wide program has yet to have a successful intercept. Until these simpler technological hurdles are cleared, it does not make sense to pour hundreds of millions into an even more challenging, and even less mature system like sea-based NMD.

The balance of the \$400 million is a cut of \$135 million, based on the grounds that the funding could not be executed wisely in 2002.

I have been saying for many years now that Congress needs to stop treating missile defense like a political totem. And while this compromise is disappointing to many on both sides, perhaps it represents a small step in that direction. I urge my colleagues to support the Stump-Skelton amendment.

Mr. TIERNEY. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Madam Chairman, I rise reluctantly in support of this amendment, not because in the current context I have any hesitations about it, but because I would rather that we have been having the fuller debate on this issue that a few weeks ago it looked like we could have. Obviously, we regret, all of us terribly, the circumstances that have compressed this.

I believe that the continued expenditure on missile defense is gravely mistaken. I understand that to have a debate under these circumstances would not be in our interests on the broader aspects of this, because, frankly, given the impulse, the understandable and laudable impulse to show our unity and support, I think the project would get more votes than it might get in a calmer atmosphere. I look forward to our being able to debate this at a future time, because I think the leadership on our side, on the committee and on the Committee on Appropriations subcommittee, has done an excellent job of vetting this project. So I am going to vote for this amendment because it is the most reasonable thing to do in this context.

But I want to repeat again what I think is a very important point to the President: there is an accommodation going forward here. There is less of a debate on this issue and less of an attempt to reduce it than would otherwise have happened in the interests of showing national unity.

I hope we will see a reciprocal response, in particular at a time when we are trying to build an international cooperative coalition with Russia, with China, and with other nations. It would ill-behoove this Nation to take unilateral action to undermine the ABM treaty. It would be an error to use the fact that the House has said, okay, and the other body has said okay, we understand that this is not the appropriate time to have the full debate. I regret that, but I understand the decision.

But I hope we will not see the executive branch take advantage of that to go forward with steps that would lead

to a fracturing of our efforts to build an international coalition and that would inappropriately unilaterally undermine the ABM treaty and the international cooperative framework.

Mr. TIERNEY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, listening as this debate goes on to both the gentleman from South Carolina (Mr. SPRATT), who eloquently set forth his position, and the gentleman from Massachusetts (Mr. FRANK), who also did the same, I think they make convincing arguments about why, as much as many of us feel this does not go nearly as far as it should go, it may in this instance be all that we can get, as sad as that is to say.

It is important that we spend the money on intelligence and that we spend it on antiterrorism and counterterrorism and consequence management. It is just amazing sometimes to some of us that we do not think to do that without extracting a price of overspending on a system that has not been tested, and starting to deploy a system that, I think, in many ways will work to our disadvantage; that we will have \$2.9 billion, or 55 percent of an increase over current spending on this. That we would have initial deployment that would lead to the breaching of the ABM treaty is somewhat beyond comprehension.

As I mentioned earlier, for \$1.6 to \$2 billion, we could secure Americans in their air travel. Yet we will put \$2.9 billion instead on getting way ahead of ourselves, starting to build something before it is adequately tested, pursuant to the Pentagon's own operations and testing and evaluation firm.

We are risking the stability internationally that this might present in unilaterally breaking that treaty. We are certainly going well beyond this Congress' intention, who said we should move forward only if it ever proved feasible. We are certainly failing to put our priorities in proper order. Where it is clear we are spending some \$60 billion to \$100 billion on an item that has not been proven to work and our own intelligence services say falls well behind the needs for security against terrorism, it just does not seem to make sense.

But I do want to commend the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Missouri (Mr. SKELTON) for the work they have done on this. I was with them at the \$920 million mark. I was a little beyond that, as were many, because that is what we really ought to be doing, being sensible.

But I join in congratulating them for getting at least something from folks that do not seem to want to take a really objective look at this and see where we are going.

I say that the gentleman from Massachusetts (Mr. FRANK) is probably right.

Let us see what we get for a reciprocal response. Let us hope that this administration can evaluate the entire situation and understand that this would not be the time to unilaterally violate this treaty. This would be the time to show good faith, and we can be responsible partners in cooperating with people as we ask for their cooperation internationally.

Madam Chairman, I yield back the balance of my time.

Mr. STUMP. Madam Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Madam Chairman, I want to thank the chairman and the ranking member for putting together this compromise that allows us to stand united during this defense bill and not send out the wrong signal to the world, and yet continue to move forward on missile defense.

It has been suggested that the question of the day is will we ever be attacked by ballistic missiles? Is it possible, is it imaginable that someday Americans will be killed by ballistic missiles?

Well, that question has been answered. It was answered 10 years ago when 28 Americans were killed, the first American casualties, by ballistic missiles during Desert Storm.

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They were killed by the slow ballistic missile known as the Scud, the Model-T of ballistic missiles, the ones that are proliferated around the world.

So the facts are, we have been struck by ballistic missiles, they have killed Americans, they are a real threat, and Democrats and Republicans agree that we have to be able to stop these thousands of ballistic missiles that are proliferating around the world, some of them a function of military sales where countries like North Korea and China and Russia sell these missiles to countries and to groups that would aim them at us; and the other one as a result of information and technology now that is going to rogue groups, going to nations that are not our friends around the world which, indeed, will aim these systems at the United States.

Now, let me just address this compromise and what it does. First, it has been suggested over and over again by the gentleman from Massachusetts (Mr. TIERNEY) that we do not want to use these things; we do not want to deploy a ballistic missile defense system until we know it works. That is the point. Most of the testing is for the so-called national missile defense system, that is, being able to stop the fast ballistic missiles that can go intercontinental. It is for testing.

Now, we just had a test about a month ago, a successful test in which we shot our standard shot; and when we shot our standard shot, we launched a target missile from Vandenberg Air Base. It went west across the Pacific.

It was hit, it went about 4,800 miles, it cleared Hawaii; and after it cleared Hawaii, we fired up an interceptor missile out of Kwajalein Island that hit it about 148 miles above the Earth's surface and killed it. Now, we fired that shot several times; and if we ask the ballistic missile defense program, can we make that shot, we can make that shot. With that angle, with that speed, with those physics, we can make that shot.

But the critics of the system have said, wait a minute. There are other things we have to be able to do. How about the tougher angles? How about the faster closing speeds? How about the different closing speeds? How about all of those things that are variables?

Well, the answer is to this cry for tough testing, we have to expand the test range to have tough testing; and that means we cannot have the same shot time after time where we shoot over Hawaii and we come up with an intercept from Kwajalein Island. We have to now have the Alaskan dimension. The Alaskan dimension is going to make the closing angles, the shooting angles. Just like we are shooting on a skeet range, instead of shooting at the clay bird going straightaway every time, we are now going to have to shoot one that is going at a fast angle. It is going to give us a variety of speeds that we have to shoot at. It is going to give faster interceptor speeds. It is going to make all the difficult challenges that our critics are telling us and that the gentleman from Massachusetts (Mr. TIERNEY) alluded to when he talked about these commissions that have said we have to make tougher testing. It is going to give us tougher testing.

So I would say to my colleagues, whether one is for missile defense or against missile defense, we certainly want to know what the outcome of these tough tests are going to be.

Well, I have news for my colleague. There is not going to be any outcome for us to judge if we do not build the range. Most of the money that goes into this system goes to build the range.

Now, let me just say with respect to the Soviet Union, because the ABM Treaty has been mentioned, and I think everybody has reflected on the effect of this strike on America with respect to our position in the world, our relationship with the Soviet Union. We told the Soviet Union, we did make the agreement, the ABM agreement, not to defend ourselves. That is an agreement not to defend ourselves. But we have always said to them, we are not just worried about you, we are worried about these other people. We are worried about all of these nations that are depicted here on this map of the world which are now building and developing ballistic missiles and none of these countries, none of these groups signed any treaty not to defend themselves. They did not sign the ABM

Treaty, and we are concerned about that. I think that the Russians now are looking at this more realistically, and I think the President has more credibility in his statement when he said we are truly worried about the unimaginable happening.

For those people who said up until a few weeks ago a strike on the United States is unimaginable, a missile strike on the United States is unimaginable, it now becomes apparent to us that unimaginable things happen.

So what we need is not just defense against people that take over airlines, it is not just defense at our borders against cargo containers coming in, it is not just defense against submarines and ships and guerrilla warfare and terrorism; it is broad capability against a number of threats. We live today, I say to my colleagues, in an age of missiles; and we are going to have to learn to defend against those missiles if we are going to maintain the national security.

Our two leaders have put together a compromise that I do not fully agree with; it does make a \$265 million cut from this missile defense budget. However, they did it in a spirit of compromise to get this bill moving, to move it into the conference, and to be able to work our will from that point. Because of that, and because of the need to let the world know that we stand together, that we are not fractured, I support this compromise. I urge everyone to vote for it.

Ms. MCKINNEY. Madam Chairman, I rise in support of the Stump/Skelton amendment to combat terrorism. If there is one thing that we have learned from the tragedy of September 11, it is that the greatest threat to our Nation is not from high-tech weapons such as ballistic missiles being launched at our Nation. Therefore, the defense that is of the greatest priority to our Nation is not an \$8.3 billion missile defense shield that has no guarantee to work. Instead, we need to protect ourselves from the modern threat of terrorism, protecting our airports and hubs of activity, seeking out those who are responsible for previous attacks, to be aware of and prepared for plans of future attacks, and to act appropriately with the intelligence we gather. This amendment takes away less than 9 percent of the increase for missile defense research and development, and only 3 percent of the entire missile defense budget. I believe that we should reprogram much more towards protecting our constituents from the real threats that our Nation is facing, and spend much less on some Star Wars program. This amendment supports that concept of refocusing our priorities on the true threats to our Nation, and I urge my colleagues to support it.

Mr. UNDERWOOD. Madam Chairman, I rise in strong support of this amendment and I thank the Chairman and the Ranking Member for bringing it to the floor in a bi-partisan fashion. This amendment deserves our attention and support if we are to begin addressing our pressing national needs in combating the horrific practice of terrorism. The tragic events of September 11th prompt use to do more in this

effort and this amendment gives us the opportunity to enact sound policy in this regard. By providing \$400 million in new funding for intelligence, anti-terrorism and counter-terrorism initiatives, this amendment equips the Department of Defense with the resources needed to begin defending our nation against future terrorist aggression.

Combating terrorism is and should be a national security concern and this amendment establishes it as such. This amendment is a significant step towards overcoming existing vulnerabilities, as it requires DoD to report on their ability to defend the nation against airborne threats. Furthermore, as assessment of DoD's ability to respond to terrorist attacks and provide support for Federal, State, and local consequence management activities as required by this amendment will ensure that our government is better prepared to handle any future terrorist crisis.

This amendment addresses our national security needs with regards to terrorism without compromising our need to protect and defend the nation against ballistic missile attacks. As the individual in this body representing Guam, well within striking range of nations like North Korea, I am keenly aware of our Nation's vulnerability to the threat of a ballistic missile attack. But I am also acutely aware of our need to defend our people against terrorism.

If we are to protect our nation, safeguard our democracy, and rid the world of terror, we must begin to vigorously combat terrorism. Passage of this amendment is a significant start towards this end and it is necessary if we are to reduce vulnerabilities at our military installations and facilities, not only within the continental United States, but also in Guam, and throughout the world.

Mr. RODRIGUEZ. Madam Chairman, I rise in support of the Stump-Skelton amendment to take \$400 million from the national missile defense program to fund intelligence, anti-terrorism, force protection, and counter-terrorism efforts. The funding shift in the amendment is a good start but more needs to be done.

We must question spending an additional \$2.5 billion next year and possibly \$100 billion in the future to establish a national missile defense system when deadly terrorist attacks can occur with the purchase of an airline ticket.

Don't get me wrong. I strongly support a theatre missile defense system to protect our troops and allies on the battlefield. But not a national missile defense system that threatens our world wide treaties. But, let's take this one step at a time in light of our many priorities. The enormous sum of \$100 billion could be better spent on intelligence, diplomacy, rebuilding the military, and protecting America's ports of entry.

My Congressional district includes several border crossings between the U.S. and Mexico. The U.S. Customs agents at the border crossings are undermanned and underfunded even though they are on the frontline of protecting our Nation.

For three years Customs has been attempting to upgrade its computer systems to enhance the inspection of goods crossing U.S. borders. Funding shortfalls have prevented the implementation of this critical system.

Customs is only one example of where money could be better spent to protect Americans from terrorist attacks.

I urge my colleagues to support the amendment.

Mr. HOLT. Madam Chairman, I rise in strong support of the Stump/Skelton amendment. As our Nation is working to deal with the tremendous needs of our armed forces in the wake of the September 11 terror attacks, this is one amendment that is particularly important.

The Stump/Skelton bipartisan amendment cuts \$400 million from the President's request for National Missile Defense programs, and transfers these funds to intelligence and counter-terrorism initiatives. The Stump/Skelton amendment represents a consensus, compromise position that all of us should support.

As a Nation, there are many lessons to be learned from the recent attacks on the World Trade Center and the Pentagon. One of the things that is underscored by the events of September 11 is how careful we must be about where we put our defense dollars and the priorities that we as a nation fund in our defense budget.

The pursuit of a National Missile Defense is an expensive, unproven and destabilizing policy that should be rejected. There are so many more important needs to fund in our defense budget. While this amendment does not eliminate all of the funds the President has requested for a National Missile Defense system, it does make important reductions in that account and important increases in areas where we clearly need to make investments, particularly in our intelligence and counter intelligence efforts.

The National Missile Defense as proposed would not be effective. It would be costly to deploy and easily circumvented. It could be confused with decoys. It could be bypassed with suitcase bombs and pickup trucks and sea-launched missiles or need I say it, wayward airlines. It would be billions of dollars down the drain. But it is not just a diversion of precious resources that we are told are not available for health care, for smaller class sizes, for modern school facilities, for securing open space or for taking care of America's veterans.

It is worse than a waste. Simple strategic analysis will tell us that provocative yet permeable defenses are destabilizing and lead to reduced security.

The U.S. has not been able to develop a workable missile defense system after 40 years of trying and spending \$108 billion.

Clearly this money is better spent in supporting up our intelligence and counter intelligence efforts. I urge all of my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. STUMP).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 3 by Mr. TRAFICANT of Ohio and amendment No. 4 by Ms. SANCHEZ of California.

The Chair will reduce to 5 minutes the time for the second electronic vote.

## AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

## POINT OF ORDER

Mr. TIERNEY. Madam Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TIERNEY. Madam Chairman, just looking around and counting, I am not sure that I reached the same conclusion that the Chairman did, and I am wondering if she might want to count again.

The CHAIRMAN. A recorded vote has been ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 173, not voting 15, as follows:

[Roll No. 356]

## AYES—242

Aderholt	DeMint	Hyde
Akin	Deutsch	Isakson
Armey	Diaz-Balart	Israel
Bachus	Doolittle	Issa
Baker	Duncan	Istook
Ballenger	Dunn	John
Barcia	Emerson	Johnson (CT)
Barr	English	Johnson (IL)
Bartlett	Eshoo	Johnson, Sam
Barton	Etheridge	Jones (NC)
Bass	Everett	Kaptur
Biggert	Ferguson	Keller
Bilirakis	Fletcher	Kelly
Bishop	Foley	Kennedy (MN)
Blunt	Forbes	Kerns
Boehlert	Fossella	Kildee
Bonilla	Frelinghuysen	Kind (WI)
Bono	Galleghy	King (NY)
Boswell	Gekas	Kingston
Boyd	Gephardt	Kirk
Brady (TX)	Gibbons	Knollenberg
Brown (SC)	Gilchrest	LaHood
Bryant	Gillmor	Langevin
Burr	Gilman	Lantos
Burton	Goode	Largent
Callahan	Goodlatte	Latham
Calvert	Gordon	LaTourette
Camp	Goss	Lewis (CA)
Cannon	Graham	Lewis (KY)
Cantor	Granger	Linder
Capito	Graves	Lipinski
Carson (OK)	Green (WI)	LoBiondo
Castle	Greenwood	Lowe
Chabot	Grucci	Lucas (KY)
Chambliss	Gutknecht	Lucas (OK)
Coble	Hall (OH)	Luther
Collins	Hall (TX)	Maloney (CT)
Combest	Hansen	Manzullo
Cooksey	Hart	Matheson
Costello	Hastings (WA)	McCarthy (MO)
Cox	Hayes	McCarthy (NY)
Cramer	Hayworth	McCrery
Crane	Hefley	McHugh
Crenshaw	Herger	McIntyre
Cubin	Hilleary	McKeon
Culberson	Hobson	McNulty
Cunningham	Hoekstra	Mica
Davis (FL)	Horn	Miller (FL)
Davis, Jo Ann	Hostettler	Miller, Gary
Davis, Tom	Houghton	Moran (KS)
Deal	Hulshof	Morella
DeLay	Hunter	Myrick

Nethercutt  
Ney  
Northup  
Norwood  
Otter  
Pallone  
Pascarell  
Pence  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Ramstad  
Regula  
Rehberg  
Reynolds  
Riley  
Rivers  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Ros-Lehtinen  
Rothman  
Roukema  
Royce  
Ryun (KS)  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Smith (NJ)  
Smith (TX)  
Souder  
Spratt  
Stearns  
Stenholm  
Strickland  
Stump  
Sununu  
Sweeney

Tancred  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thune  
Thurman  
Tiahrt  
Tiberi  
Toomey  
Traficant  
Udall (CO)  
Udall (NM)  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Wicker  
Wolf  
Young (AK)  
Young (FL)

## NOES—173

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldacci  
Baldwin  
Barrett  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Blagojevich  
Blumenauer  
Boehner  
Bonior  
Borski  
Boucher  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Buyer  
Capps  
Capuano  
Cardin  
Carson (IN)  
Clay  
Clayton  
Clement  
Clyburn  
Condit  
Coyne  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Dingell  
Doggett  
Dooley  
Doyle  
Dreier  
Edwards  
Ehlers  
Ehrlich  
Evans  
Farr  
Fattah  
Filner  
Flake  
Ford  
Frank

Frost  
Ganske  
Gonzalez  
Green (TX)  
Gutierrez  
Harman  
Hastings (FL)  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kennedy (RI)  
Kilpatrick  
Kleczka  
Kolbe  
Kucinich  
LaFalce  
Lampson  
Larsen (WA)  
Larson (CT)  
Leach  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Maloney (NY)  
Markey  
Mascara  
Matsui  
McCollum  
McDermott  
McGovern  
McKinney  
Meehan  
Meek (FL)  
Menendez  
Millender-  
McDonald  
Miller, George  
Mink  
Moore  
Murtha  
Napolitano  
Neal

Oberstar  
Obey  
Olver  
Ortiz  
Osborne  
Ose  
Owens  
Oxley  
Pastor  
Paul  
Payne  
Pelosi  
Petri  
Putnam  
Radanovich  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Roybal-Allard  
Ryan (WI)  
Sabo  
Sanchez  
Sanders  
Santorum  
Sawyer  
Schakowsky  
Schiff  
Scott  
Sherman  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (WA)  
Snyder  
Solis  
Stark  
Stupak  
Tanner  
Terry  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tierney  
Turner  
Waters  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Whitfield  
Wilson  
Woolsey  
Wu  
Wynn

## □ 1946

Ms. MCKINNEY, Ms. DeLAURO, and Messrs. INSLEE, HOLDEN, and DINGELL changed their vote from “aye” to “no.”

Mrs. NORTHUP and Messrs. JOHN-SON of Illinois, BURTON of Indiana, WATKINS of Oklahoma, LANTOS, SHIMKUS, AKIN, SPRATT, ISRAEL, DEUTSCH, BLUNT, ISSA, RYUN of Kansas, CARSON of Oklahoma, and REYNOLDS changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## □ 1945

## AMENDMENT NO. 4 OFFERED BY MS. SANCHEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentlewoman from California (Ms. SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 217, not voting 14, as follows:

[Roll No. 357]

## AYES—199

Abercrombie	Davis (FL)	Houghton
Ackerman	Davis (IL)	Hoyer
Allen	DeFazio	Inslee
Andrews	DeGette	Isakson
Baca	Delahunt	Israel
Baird	DeLauro	Jackson (IL)
Baldacci	Deutsch	Jackson-Lee
Baldwin	Dicks	(TX)
Barrett	Dingell	Jefferson
Bass	Doggett	Johnson (CT)
Becerra	Dooley	Johnson, E. B.
Bentsen	Dunn	Jones (OH)
Berkley	Edwards	Kaptur
Berman	Ehrlich	Kelly
Biggert	Eshoo	Kennedy (RI)
Bishop	Etheridge	Kilpatrick
Blagojevich	Evans	Kind (WI)
Blumenauer	Farr	Kirk
Boehlert	Fattah	Kleczka
Bonior	Filner	Kolbe
Bono	Foley	Lampson
Boswell	Ford	Lantos
Boucher	Frank	Larsen (WA)
Boyd	Frelinghuysen	Larson (CT)
Brady (PA)	Frost	Leach
Brown (FL)	Gephardt	Lee
Brown (OH)	Gilchrest	Levin
Capito	Gilman	Lewis (GA)
Capps	Gonzalez	Lofgren
Capuano	Gordon	Lowey
Cardin	Green (TX)	Luther
Carson (IN)	Greenwood	Maloney (CT)
Carson (OK)	Gutierrez	Maloney (NY)
Castle	Harman	Markey
Clay	Hastings (FL)	Matheson
Clayton	Hill	Matsui
Clement	Hilliard	McCarthy (MO)
Clyburn	Hinchey	McCarthy (NY)
Condit	Hinojosa	McCollum
Coyne	Hoeffel	McDermott
Cramer	Holt	McGovern
Crowley	Honda	McKinney
Cummings	Hooley	Meehan
Davis (CA)	Horn	Meek (FL)

## NOT VOTING—15

Conyers	Moran (VA)	Serrano
Engel	Nadler	Towns
McInnis	Peterson (MN)	Velázquez
Meeks (NY)	Peterson (PA)	Visclosky
Mollohan	Rush	Watson (CA)

Menendez  
Millender-  
McDonald  
Miller (FL)  
Miller, George  
Mink  
Moore  
Moran (VA)  
Morella  
Napolitano  
Neal  
Obey  
Oliver  
Ose  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Pomeroy  
Price (NC)  
Pryce (OH)

Ramstad  
Rangel  
Reyes  
Rivers  
Rodriguez  
Rothman  
Roukema  
Roybal-Allard  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Shaw  
Shays  
Sherman  
Simmons  
Slaughter  
Smith (WA)  
Snyder

Solis  
Spratt  
Stark  
Strickland  
Tanner  
Tauscher  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Turner  
Udall (CO)  
Udall (NM)  
Walden  
Waters  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

Whitfield  
Wicker

Wilson  
Wolf

Young (AK)  
Young (FL)

## NOT VOTING—14

Conyers  
Engel  
McInnis  
Meeks (NY)  
Mollohan

Nadler  
Peterson (MN)  
Peterson (PA)  
Rush  
Serrano

Towns  
Velázquez  
Visclosky  
Watson (CA)

## □ 1956

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STUMP. Madam Chairman, I ask unanimous consent to strike the last word.

The SPEAKER pro tempore. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. STUMP. Madam Chairman, as the House is about to move to final passage on this defense authorization bill, I think it is appropriate that we take a moment to note that this will be the first defense bill in over 30 years that we have passed that Floyd Spence did not have a part in. Floyd had a hand in shaping and guiding all the defense bills for the last 3 decades, and particularly in the last 6 years where he served as chairman of the House Committee on Armed Services.

Madam Chairman, there was not a stronger defender of our military, no truer friend of the men and women in uniform, and no tougher critic on those who allowed our defenses to deteriorate over the years. Floyd Spence had vision, he had sense of purpose, and he had a clear commitment to ensuring that the Congress fulfill its constitutional obligation to provide for the common defense.

We all miss Floyd, but I did not want this moment to go without the record reflecting his leadership, his commitment, and his wise counsel on national security matters, which still burns bright in the many of us that were privileged to work with this quiet, unassuming and passionate American patriot.

Mr. SKELTON. Madam Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Missouri.

Mr. SKELTON. Madam Chairman, I applaud the gentleman on his comments and his memory of Floyd Spence. He was truly a gentleman's gentleman, a true Southern gentleman, from his infectious laugh to his strong support of the troops. We will recall him very, very fondly; and I thank the gentleman for his remembrance of him.

And for 19 years, I might say, sitting next to me on the Committee on Armed Services was our colleague Norm Sisisky, who made such a great contribution. At this moment, I would also like to pay tribute to his memory for the wonderful work that he did. And I thank the gentleman.

## □ 2000

Mr. STUMP. Madam Chairman, may I take a moment to thank our staff on

both sides of the aisle for the tremendous job and the many late nights that they have spent here and put up with us and produced this good bill.

Madam Chairman, I urge everyone to support the bill.

Mr. SHAYS. Madam Chairman, as a long-time critic of the manner in which we finance our nation's military, I had intended to oppose the legislation being considered today.

This year's defense budget contains a number of deficiencies, the most glaring of which is this: it is not designed to equip our military for the task at hand. Written prior to the attack of September the 11th, this legislation continues the mistakes of the past decade. It is designed to fight the cold war, but that war ended years ago, and as we saw all too brutally in New York and Washington, the world is a far more dangerous place.

Furthermore, this bill leaves our military, on the eve of an epic undertaking, with a number of acute needs that have yet to be adequately addressed—needs we've known about for many years.

As the chairman of the Government Reform Subcommittee on National Security, which has oversight jurisdiction over the entire Department of Defense, I have seen first hand the needs of our military. We need to do a better job attracting new enlistees and maintaining the necessary level of reenlistment. Our training has suffered in recent years. We lack the necessary munitions for new encounters. We are cannibalizing existing planes, tanks and other equipment for their parts, in order to make other equipment operational. Our soldiers, sailors, pilots and Marines are overworked and underpaid. At least this last part we have begun to address. And I strongly support the military pay raise included in this legislation.

Regretfully, like its predecessors, this year's National Defense Authorization Act fails to cancel the procurement of expensive, unnecessary weapon systems; close unnecessary bases and depots, at home and overseas; and require our allies, particularly Europeans, to pay their fair share of stationing U.S. troops in their countries.

So why will I vote for this bill? Because I strongly support the President of the United States and the campaign against terrorism on which we've embarked. And I don't want anyone, particularly our enemies, to misunderstand a No vote.

Unlike the climate in which we debated past budgets, today our country is entering a new, uncharted period. In these trying times, I want to be certain we're providing the brave men and women of our military with every resource they will need in the difficult days, months and years to come.

The Government Reform Subcommittee on National Security has conducted 19 hearings on our preparedness against terrorist threats, chemical and biological defense programs, the Defense Department's role in homeland security, and proposals to reorganize our terrorism programs. We know waging the war on terrorism will require not only enormous expenditures, but also a fundamental reexamination of our changing national security needs.

Unfortunately, this legislation provides the funding, but not the reforms. I pray future defense bills address these glaring needs, but

## NOES—217

Aderholt  
Akin  
Armey  
Bachus  
Baker  
Ballenger  
Barcia  
Barr  
Bartlett  
Barton  
Bereuter  
Berry  
Bilirakis  
Blunt  
Boehner  
Bonilla  
Borski  
Brady (TX)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Chabot  
Chambliss  
Coble  
Collins  
Combest  
Cooksey  
Costello  
Cox  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeLay  
DeMint  
Diaz-Balart  
Doolittle  
Doyle  
Dreier  
Duncan  
Ehlers  
Emerson  
English  
Everett  
Ferguson  
Flake  
Fletcher  
Forbes  
Fossella  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gillmor  
Goode  
Goodlatte  
Goss  
Graham  
Granger  
Graves

Green (WI)  
Grucci  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hilleary  
Hobson  
Hoekstra  
Holden  
Hostettler  
Hulshof  
Hunter  
Hyde  
Issa  
Istook  
Jenkins  
John  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Kanjorski  
Keller  
Kennedy (MN)  
Kerns  
Kildee  
King (NY)  
Kingston  
Knollenberg  
Kucinich  
LaFalce  
LaHood  
Langevin  
Largent  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas (KY)  
Lucas (OK)  
Manzullo  
Mascara  
McCrery  
McHugh  
McIntyre  
McKeon  
McNulty  
Mica  
Miller, Gary  
Moran (KS)  
Murtha  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Ortiz  
Osborne  
Otter  
Oxley

Paul  
Pence  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Portman  
Putnam  
Quinn  
Radanovich  
Rahall  
Regula  
Rehberg  
Reynolds  
Riley  
Roemer  
Rogers (KY)  
Rogers (MI)  
Issa  
Rohrabacher  
Ros-Lehtinen  
Ross  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Sherwood  
Shimkus  
Shows  
Shuster  
Simpson  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stenholm  
Stump  
Stupak  
Sununu  
Sweeney  
Tancredo  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thornberry  
Thune  
Tiahrt  
Tiberi  
Toomey  
Traficant  
Upton  
Vitter  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller

mostly I pray for the brave men and women going into battle.

Mr. STARK. Madam Chairman, I rise in support of our armed forces that are preparing to deliver justice to the organizations who initiated the attack on the United States on September 11, 2001. However, I must still oppose the Defense Department Authorization bill before us today. This legislation simply fails to meet the mark for what is needed to defend our nation today.

It does have several measures that I support including: pay raises for the average soldier and increased funding for medical benefits. However, all that's bad in this bill outweighs these positive components.

Like previous defense authorization bills, it wastes billions of dollars on attack submarines, advanced destroyers, a National Missile Defense (NMD) System, and continues to fund the outdated F-22 program.

The investment of hundreds of billions of dollars in aircraft carriers and ships has done little to protect American citizens from attack. It has only been used to line the pockets of big defense contractors who are more interested in profit margins than defending the United States. We continue to waste billions of dollars to build these ships at the cost of truly effective military investments like training in counter-terrorism, anti-guerrilla warfare tactics, and intelligence gathering—all of which would yield far greater benefits than the big ticket items currently included in the bill.

The F-22 program is another wasteful program. We continue to fund this program despite its consistent cost overruns and failures to meet performance and production guidelines. This program made sense in the late 1990's when we were still preparing to defend against advanced Soviet technology, but today that is no longer the case. Our potential enemies are flying old Soviet fighters Su-22's and MiG-21's. These planes are on par with our old F-4 Phantoms which were the premier fighter when we were fighting in Vietnam.

Finally it provides over \$8 billion to continue to develop the National Missile Defense system. The attack on September 11th proves that any potential enemy would be far wiser to invest a couple million dollars to train people to fly a plane into the US to deliver weapons of mass destruction, rather than hundreds of billions of dollars to develop an Inter-Continental Ballistic Missile. In light of this reality, it seems foolish, wasteful and completely inappropriate to direct huge sums of money at a national missile defense system that has never been proven to work and is probably irrelevant to the dangers we face today.

It is for these reasons that I must oppose this authorization bill.

Mr. UNDERWOOD. Madam Chairman, I rise in support of H.R. 2586, the National Defense Authorization Act for FY02. Among the many provisions included in this legislation are a number of measures that directly support Guam and its military infrastructure. Our nation's military readiness stands to benefit from over \$66 million in new construction and improvements to Guam's military installations and facilities. The people of Guam welcome this funding as it strengthens U.S. military presence and national security in the Asia-Pacific region in addition to providing an economic boost for our island.

Seven major military construction projects for Guam are included in this bill. Phase II of the Guam Army Guard Readiness Center will receive \$7 million and \$4 million is included for a training facility for the Guam Air National Guard. Other projects include \$4.5 million for a Forward Operation Location War Reserve Material Facility at Andersen Air Force Base and \$24 million for the upgrading of the Navy's Bachelor Enlisted Quarters and Public Works Waterfront Utilities. The bill also includes \$20 million for the continued replacement of Andersen's hydrant fuel system. These projects are significant towards modernizing Guam's military infrastructure and equipping our troops stationed in the Western Pacific with the resources they need to meet our increased national security demands.

In addition to military construction projects, the bill also provides for the conveyance of a water supply system at Andersen Air Force Base and the construction of a war memorial on Guam to honor the victims of the Yigo Massacre, which occurred during World War II. Guam was the only U.S. State or Territory with a civilian population to suffer occupation during World War II. Immediately following the liberation of Guam, decapitated bodies of 45 men were discovered in the village of Yigo. Today, it is presumed that these men were forcibly conscripted by the Japanese forces to be of service to them during their retreat. The story of these men has largely been forgotten since the time they were forcibly separated from their homes and families. The memorial included in this bill will commemorate the sacrifices made by these men and resurrect and preserve their story in history.

I am also pleased that the House Armed Services Committee has addressed the issue of the Department of Defense's responsibility and duty to clean up former military sites. Guam was home to significant and tremendous military activity during World War II. Unexploded ordnance and other weaponry have been found on Guam in recent years as a result of this activity. The report accompanying this bill stresses the need for the Department of Defense to be more aggressive in their management and clearance of unexploded ordnance and other dangerous weaponry found on Guam. This language is essential in ensuring that the proper attention is devoted towards the cleanup of our island.

In conclusion, this bill goes a long way towards improving our nation's military readiness and supports Guam role in contributing to our national security. The people of Guam welcome the forthcoming military construction activity and look forward to doing their part in providing for the national defense.

Mr. DEFAZIO. Madam Chairman, I have worked for more than a decade to reorient federal budget priorities so they better reflect the needs and wants of average Americans.

I have also been a vocal advocate for taking a serious look at the spending priorities within the Department of Defense (DOD). I have regularly drafted legislation and amendments to force the Pentagon to reevaluate and justify how it spends taxpayer money.

We demand accountability from all other federal agencies. We should demand no less of the DOD. After all, the \$343 billion authorized in this legislation represents one of every two dollars in discretionary spending that can be appropriated by Congress.

There are clearly significant flaws with H.R. 2586. While the basic needs of many of our young men and women in uniform have not been met, this legislation provides tens of billions of dollars to fund weapons systems that are of dubious necessity, over-budget, behind schedule, and fail to meet performance requirements.

For example, at G.I. Joe's in Eugene, Oregon, I met a dad who was buying a waterproof bag for his son in the Marines. He told me his son was issued an expensive radio without any waterproof protection. All the Pentagon supplied was a plastic garbage bag.

The legislation provides around \$8 billion for an ill-defined, unworkable national missile defense system. This represents more than a 50 percent increase over current spending levels. American taxpayers have already generously provided more than \$60 billion over the last two decades to develop this system with little to show for it.

Even if the system could be made to work consistently, it doesn't address the most significant threat our nation faces. As I've said in debates over NMD in past years, given our awesome retaliatory power, one of the least likely threats confronting the U.S. is an inter-continental missile with a return address. In those previous debates, I went on to raise concerns about the money NMD was diverting from our preparation for more likely attacks by terrorists with primitive delivery systems like rental trucks, freighters, or even suitcases.

The legislation continues to fund the development of three new fighter jets when one should do, and continues to fund an oversized nuclear stockpile.

I am concerned that the spending priorities reflected in this bill are oriented to fighting the last war, not meeting the threats our nation faces today.

That said, I am going to support this legislation. I do not make this decision lightly. The world changed on September 11, 2001. The terrorist strikes on U.S. soil have created a sense of urgency to guarantee our troops are adequately supplied and supported in order to respond and defend our country.

Some of the funds in this legislation and the emergency package approved by Congress last week will go to make sure our men and women in uniform have everything they need to deal with the current crisis. However, I fully intend to revisit the spending priorities of the Pentagon next year and look forward to reviewing Secretary Rumsfeld's plans for retooling our nation's military to more adequately meet the threats of today.

But, that critical debate can wait for another day. In this time of crisis, I will vote in favor of this legislation in order to stand firmly behind our young men and women in uniform who may soon be put in harm's way.

Ms. BALDWIN. Madam Chairman, when President Dwight D. Eisenhower gave his farewell address in 1961, he spoke about the "military-industrial complex." He said, "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist."

It is forty years later, and yet his words still ring true. The corporations and organizations



that profit so much from military build-ups are unaccountable to the American people. That was true in 1961, it was true on September 10th, 2001, and it remains true today. In America, the nation's military priorities ought to be set by the people.

For that reason, I have been a harsh critic of our nation's military budget.

I have regarded its priorities as misplaced.

I have vehemently opposed deploying National Missile Defense.

I have disagreed with the decision to build the F-22 Raptor.

I have questioned the need for new attack submarines, battleships and guided missile destroyers.

I lament our failure to adequately compensate the men and women who serve in the Armed Forces and our failure to keep our promises to our nation's veterans.

I decry the failure to fully fund our non-proliferation efforts and nuclear disarmament programs.

I have opposed every defense authorization and defense appropriation bill put before me since I came to Congress.

And I would expect to do so again in the future, if I am not able to have greater influence on their content, their magnitude and their priorities.

But today is different. I have struggled with this vote as I have struggled with no other. Here is where that struggle has brought me. I regard my two central duties at this unprecedented time to be the protection of American lives and the protection of the American way of life—our freedoms of speech, our expectation of privacy, our right to due process.

I do not know what our President is being told by our intelligence agencies or by the criminal investigators. I do not know what tools our President will need to protect our families from further attacks and threats. I could not accept the responsibility for denying those charged with protecting our immediate safety and security with the tools they need. The Administration has told us that these are the tools they need. Not knowing what they know, I take them at their word.

No one should interpret this vote as any indication that I will not continue to question and criticize policy that I believe is wrong. No one should take this vote as an indication that we should not push to reconfigure, rethink and reprioritize our national defense program.

In this unprecedented time, we give our President what he has requested in order to protect American life. At the same time, I do not forget General Eisenhower's caution that we must guard against the acquisition of unwarranted influence by the military-industrial complex.

Mr. BLUMENAUER. Madam Chairman, in these times of extreme pressure on our national security team, we want to be assured that America is properly prepared. This defense authorization bill has much that I find commendable. It provides funding for providing the essential defense requirements that will assure that the United States continues to have the most powerful armed forces anywhere in the world, far and away superior to the next seven countries combined. There are many improvements that are made to quality of life for our fighting men and women including increased resources for their pay and for

their housing which are critical and which I strongly support. It also recognizes work that I've been championing to have the military clean up after itself and deal with unexploded ordnance and other military pollution. Having an inventory of these contaminated sites is an important step forward and I appreciate the work that Committee leadership and staff have done in that regard.

I reluctantly vote in opposition to this defense authorization because of the continued clear misallocation of resources it includes for national missile defense. In fact, I have grave reservations about several of our patterns in military technology and hardware. For example, we are still developing three new tactical aircraft systems simultaneously. It is critical that we deal with the meat and potatoes of our nation's defense and the support of our military retirees before launching forth with some of these troubling weapons systems. The most problematic of them all is missile defense. There is nearly \$8 billion in this bill for a system that was demonstrated two weeks ago to not be our top priority. We were caught flat-footed with a severe act of domestic terrorism illustrating that we need to be doing more to protect against conventional threats: intelligence on the ground and improving civilian capacity to assist our citizens. It is ill-advised to continue to feed money into a system for remote risks that are far into the future which may not even work and may further destabilize the world balance of power.

We need to focus our efforts now more than ever before on making sure that our armed forces are equipped to deal with today's threats and responsibilities, not what we wish they would be in the future or know they were in the past. Missile defense is the worst example of both these premises.

I hope that we will be able, in the course of this Congress, to do a better job of effectively evaluating our threats and redeploying our resources to protect our citizens and support our fighting men and women.

Ms. BROWN of Florida. Madam Chairman, as you may know, the Senate has authorized another round of military base closures. I rise in opposition to any attempts to weaken our national defense through another round of base closing.

Another round of base closing will subject the future of our national defense to a political and arbitrary process of back-room-deals and broken promises. All of the past BRAC rounds have been full of last-minute games, empty promises, false cost savings and unreliable data.

At a time when our nation has been attacked by terrorist forces, further base closures would make our country look weak and further undermine the security of the American people. Closing additional military installations will make our remaining bases easier targets.

Why should we be shutting down existing bases when we are only beginning to understand the extent of our enemies evil wishes?

Why should we be shutting down existing bases when we are still learning of our enemies' ability to completely surprise even our best defenses?

Why should we be shutting down existing bases when we need all of our people and materials to fight against the terrorist enemy?

I rise in strong opposition to another round of base closing and encourage our conferees to do the same.

Ms. LOFGREN. Madam Chairman, I had urged that this Department of Defense spending bill be brought up without including the controversial missile defense program. It was my belief that we, as a Congress, would be best served by taking up a bill that most of us could vote for, which could then be followed with the controversial missile defense bill about which so many of us disagree.

Last week, on the floor, I had occasion to discuss the missile defense plan with a Congressman from across the aisle. There has been a lot of that lately, discussions among Republicans and Democrats that are respectful. He said he would vote for "missile defense" if it would save one American city from nuclear annihilation.

Well, so would I. But this missile defense program won't do that. It won't make us safer. The technology doesn't work. Further, in order to proceed, we also have to abrogate treaties just at the time when we need international allies in the war against terrorism.

As the September 11 attacks on our country showed us so terribly, we need more and better defenses. Some of those defenses need to be in the Department of Defense and in the Department of Justice, and I favor increased funding to enhance those capabilities. Enhancement of our intelligence capabilities is also called for along with better coordination and communication between intelligence and law enforcement. Improved airport and airline safety is also a necessity.

But spending billions on missile defense, in my view, will not make our country safer. It wouldn't stop the terrorists who attacked us on September 11th and it won't work to stop "nuclear terrorism" either. Unfortunately, the technology isn't even advanced enough to stop the so called rogue nations that are identified to be its target.

I favor additional funding for avionics, parts, upgraded technology and military pay. I wish I were able to vote for such good things separately from this flawed missile defense plan.

Mr. GUTIERREZ. Madam Chairman, I rise in strong opposition to the language in this bill concerning the future of the Puerto Rican island of Vieques.

The United States Navy has trained in Vieques for more than sixty years.

The effects of that training on the environment of the island and on the lives of its 9300 residents are painfully clear.

Thousands of acres on that beautiful tropical island are devastated, bearing witness to the presence of hundreds of thousands of tons of metals, chemicals and materials that have been shown to increase the incidence of cancer and other diseases.

Vieques, which was once a thriving, albeit developing agricultural, fishing and tourist society of 12,000 residents, has been mired in poverty, unemployment, forced migration and underdevelopment for several decades, because the largest "tenant" on the island—the U.S. Navy—who occupies close to two thirds of the total land mass of the island, prevents the development of any significant economic activity in Vieques.

After the accidental death of David Sanes—a civilian security guard from Vieques—the people of Vieques, supported by the people of Puerto Rico and by many people from the United States declared that they had enough

of the bombing, enough of the contamination, enough of the constraining of their lives hopes and aspirations by the U.S. Navy. Together with the religious, civic, political, and labor leadership of Puerto Rico, the people of Vieques began a sustained campaign of peaceful protest and peaceful civil disobedience to put a stop to the abuses of their land by the Navy.

Madam Chairman, last year President Clinton and this Congress attempted to mediate in the dispute.

I believe that President Clinton, as commander-in-chief under our Constitution could have resolved the issue the same way President Ford had resolved the matter of Culebra in 1975, or President Bush had resolved the issue of Kahoolawe in 1991, by simply ordering his subordinates in the U.S. Navy to cease operations in Vieques.

He chose, instead, to do a combination of Executive orders and Congressional action.

That is now known as the Clinton-Rosselló agreement.

I opposed that "compromise" precisely because I suspected that what is happening here today—that Congress is literally going back on its word given to the people of Vieques and the people of Puerto Rico could happen. That is why I called on President Clinton to resolve the matter once and for all.

Madam Chairman: The people of Vieques have expressed their aspirations for peace in every peaceful manner possible. They have protested peacefully, the have engaged in peaceful civil disobedience . . . and they voted-overwhelmingly, 70 percent of the vote—for the Navy to leave them in peace.

And this Congress had promised them that the Navy would indeed leave, if—we told them last year—you vote in a federally sponsored referendum to be held at a date of the Navy's choosing, for the Navy to leave.

That referendum, that opportunity for the people of Vieques to once again express their wish to live in peace and free of contaminants and threats to their lives and their safety, was going to take place on November, on the date chosen by the Navy.

But the Navy and their allies in Congress now know what I always said, that the people of Vieques, whom the Navy was called their "neighbors" no longer want the Navy in their land.

So, what do we do when the people of Vieques are about to beat the Navy at a game whose rules were designed by the Navy and its political allies in Congress? We will now change the rules, to prevent the people of Vieques from winning fair and square.

In this time of crisis, we are all feeling a growing sense of patriotism. I am pleased and proud that the people of our nation are rallying to our country and about what it stands for. Sadly, what this Congress intends to do to the people of Vieques does not represent the best of America. It disrespects the clearly and democratically expressed will of the majority of the people of Vieques.

Madam Chairman, tonight I will vote for this DOD authorization bill, because, despite this and many other disagreements I have with this bill, its enactment is necessary for the defense of our country and of our democracy.

But I want to make clear for the record that we are committing a grave injustice to a

peaceful people who have the right, the same right as any of my constituents or any of the constituents represented in this body to live in peace, free of fear, free of deadly contamination with a hope for a decent future for themselves and their children. I vote for this bill to support that defense of our nation—and despite language regarding Vieques that is unjust and counterproductive.

Mr. BENTSEN. Madam Chairman, I rise in strong support of this legislation, which authorizes appropriations for the Department of Defense for a total of \$343 billion in budget authority, consistent with the President's amended defense budget request.

H.R. 2586 provides the men and women in our nation's armed forces with the tools needed to address the challenges our country will face in the next decade and beyond. This legislation provides much needed increases in weapons procurement; research and development; operations and maintenance; and a 32 percent increase in military construction and family housing. This legislation also addresses military health care by fully funding lifetime health care for military retirees and their eligible family members. I am pleased that this bill contains the largest military pay raise since 1982 and provides significant increases in funding for key military readiness accounts. The bill also makes great strides in beginning to address our aging military infrastructure and makes a modest down payment toward the next priority—the modernization of our fleet of combat equipment. Perhaps most importantly, this bill takes critical steps toward ensuring that the United States is ready to meet the challenges that lie ahead, including the challenge of meeting and defeating international terrorism.

I also want to express my strong support for the Stump/Skelton managers amendment to transfer \$400 million from missile defense to intelligence and anti-terrorism measures. From the bill's \$8.2 billion authorization for missile defense programs, the amendment would direct \$100 million to offensive counter-terrorism initiatives; \$100 million for enhanced intelligence programs; \$150 million for increased security at U.S. military bases, and \$50 million for consequence management activities. The amendment would also require the Defense Department to assess its capability to respond to terrorist attacks; require a DoD assessment report on airborne threats and establish counter-terrorism as a national security priority. I believe this amendment offers a reasonable approach to counter the growing threat of terrorism on our soil, while providing the funds necessary to continue development of the missile defense program. In fact, the funds provided under the underlying bill for missile defense are 55 percent more than the amount appropriated for FY2001. As such, I believe the \$400 million transfer included in the Stump/Skelton amendment is a reasonable trade-off to bolster our nation's intelligence and counter-terrorism initiatives, and I urge my colleagues to support its passage.

As we all know, the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon have forever changed our nation. This horrible incident removed forever the belief that Americans here at home were safe from the kinds of attacks that have occurred against our citizens, our military per-

sonnel, and our allies overseas. It is clear that the United States itself is a target, and that terrorists will not hesitate to use whatever means at their disposal to kill innocent Americans on a massive scale. Our response to the terrorist actions must be deliberate and calculated. As we consider this bill today, our armed forces are preparing again to defend our nation—this time from the scourge of terrorism. While I have no doubt that they will respond effectively, we must make sure that they have the necessary tools and resources to do the job. To that end, this legislation authorizes \$6 billion for Department of Defense programs to combat terrorism.

While this bill is carefully balanced to address the most critical needs of our military forces, we must be prepared to provide additional resources, if needed. The war against terrorism cannot be won in a single year, and we must be prepared to provide the funding necessary to get the job done. We must also recognize that our responsibility to protect the citizens of the United States against other emerging threats cannot be assured with a single year of defense increases. The effort to improve our nation's defenses and our people's security must be significant and it must be sustained. With that in mind, the funding levels provided in this legislation may not be sufficient to support the level of effort that the DoD must undertake to track down the perpetrators of last week's terrorist attack. The Administration in consultation with the Pentagon are working to identify the additional resources required and we stand ready to address these needs in the near future.

I urge my colleagues to support passage of this critical legislation. By enacting this legislation today, we are reaffirming our commitment to our national security, and to the men and women who so ably serve and defend our nation.

Mr. CARDIN. Madam Chairman, I rise today in support of this important bill. Since 1987, my first year in the House of Representatives, perhaps no defense authorization vote has been more timely or more significant, and I am proud to join my colleagues on the floor as we consider this legislation.

The health care provisions of this bill are key. In an effort to fully meet America's promises to the military, last year Congress created a Senior Pharmacy Benefit that took effect last April 1, and authorized expanding TRICARE to Medicare-eligible retirees and their dependents. Starting Oct. 1, 2001, all military retirees and their dependents who are age 65, or who are otherwise eligible for Medicare will be able to use TRICARE as a second payer. This year's bill authorizes full funding for these programs, a necessary and important step that our military retirees and their spouses deserve.

In the past, military retirees who reached the age of 65 lost their TRICARE eligibility and were required to purchase supplemental policies, which are often prohibitively expensive, to cover Medicare's deductibles and coinsurance. By expanding TRICARE to the 65 years of age and older population, Congress can ensure that these men and women who served our nation are eligible for the best health care this nation can offer.

There is one more step that Congress should take as soon as possible to ensure that

every Medicare-eligible retiree can access the health care benefits to which they are entitled. I recently became aware of an inequitable situation facing many military retirees. Under current law, seniors who failed to enroll in Medicare Part B when they first became eligible are subject to a premium penalty of 10 percent for every year they did not enroll, effectively increasing the monthly premium for a 70-year old first-time enrollee from \$50 to \$75 for the rest of his or her life. Because military retirees could not have anticipated how their benefits would change, tens of thousands of retirees are now subject to these late penalties.

On June 6, 2001, the 57th anniversary of D-Day, I introduced the TRICARE Retirees Opportunity Act, legislation to waive the penalty for military retirees who enroll between January 1, 2001 and December 31, 2002. There is another barrier to full participation facing our military retirees. Current law permits late enrollees to sign up only during Medicare's annual open enrollment period—January 1 through March 31—with benefits beginning on July 1. My legislation will create a continuous open enrollment period through the end of 2002 for military retirees so that these prospective beneficiaries may access their new coverage immediately.

Because the cost of this bill—a scant \$10 million a year, as scored by the Congressional Budget Office—would affect the Medicare Part B Trust Fund, this authorization bill is not the appropriate venue to correct this inequity. However, I want to urge Congress to adopt this provision with all deliberate speed this year.

Madam Chairman, this country has done a good job of meeting the health care needs of our active duty military. The Floyd A. Spence National Defense Authorization Act of Fiscal Year 2001 was a milestone in our efforts to help the military retirees who devoted years of their lives to defend this nation. This year's authorization bill builds upon that work. My bill takes one more important step to ensure that these retirees, their spouses, and their survivors have full access to the benefits we enacted for them last year. I urge all my colleagues to join me in support of this key legislation so that we may truly fulfill our promise to the nation's military retirees this year.

Mr. STRICKLAND. Madam Chairman, last year a single group of veterans in my district, the 6th District of Ohio, volunteered to perform military honors at over 60 funerals. They perform this solemn duty out of the kindness of their hearts and with the deepest respect for our nation's fallen heroes. A sad fact is that many of these same veterans lack the financial resources necessary to purchase the appropriate uniform for a full rendering of military honors.

The Department of Defense (DoD) implemented important provisions with the FY00 Defense Authorization Act, providing support for honor guard details performing military honors to veterans. The bill specifies the Secretary of Defense may provide material, equipment, and training to support non-governmental organizations as necessary to support honor guard details.

However, in discussion with DoD about their proposed plans to implement these provisions, I have been told that no uniforms will be pro-

vided to a veteran performing military honors. The DoD has even said no to the idea of providing uniforms to veterans who can demonstrate financial hardship. This decision by DoD is arbitrary and indefensible.

I am pleased that the committee leadership accepted my amendment as part of the en bloc amendment which passed on September 20, 2001. This provision will require the DoD to supply the appropriate civilian uniforms to those veterans performing an honor guard program who demonstrate a financial need for such support. Posing little difficulty, this authority gives the DoD broad discretion in developing a policy of which we all can be proud.

On another matter, I would like to bring to your attention a provision in the Senate Defense Authorization Act that is of importance to workers and their survivors who were made ill as a result of their employment in the nations' nuclear weapons facilities and beryllium suppliers to the energy Department across the nation. One of these facilities, the Portsmouth Gaseous Diffusion Plant, enriched uranium for the nation's nuclear deterrent and naval propulsion programs in my district.

The Senate included technical corrections to the Energy Employees Occupational Illness Compensation Program Act of 2000—a compensation program that was included in Title 36 of the FY 2001 Defense Authorization Act. These changes embodied in Section 3151 of the Senate Committee report include:

Expanding the definition of a "survivor" for uranium miners and nuclear weapons workers to eliminate a requirement that survivors must have been under the age of 18 when the covered worker died.

Adjusting definition of the disease "silicosis" to conform to the medically accepted definition of 1/0.

Setting a 10% cap on attorney fees for contested compensation claims beyond the 2% cap for the initial filing of compensation claim.

Clarifying that rights of third party tort claimants to receive federal benefits who did not receive any recovery from these suits prior to the date of enactment of the FY'02 Defense Authorization Act.

Requiring a study on residual radiation and beryllium contamination in facilities that supplied materials to the Department of Energy for use in nuclear weapons.

Clarifying that leukemia will be covered without regard to age of occupational exposure to radiation (currently the law only covers those exposed after age 20) for those in a Special Exposure Cohort.

These amendments were accepted on a bipartisanship basis in the Senate and the costs estimated at \$100 million are covered within direct spending authorized for the Defense Authorization Act as part of the FY'02 budget resolution.

These amendments respond to concerns that were raised by hundreds of participants at over 50 field meetings conducted by the Department of Labor in its implementation of the EEOICPA. It is my understanding that the Department of Labor has no formal position on these amendments, and has not raised any specific objections.

In conclusion, I hope the Armed Services Committee will agree to include in these amendments in the final legislation.

Mr. SPRATT. Madam Chairman, the devastation wreaked by terrorists on September 11, 2001 was horrendous. But had the terrorists used nuclear weapons, the death and destruction would have been even worse. The one essential element terrorists lack in making nuclear weapons is fissile materials, and we should make every effort to ensure that they do not obtain them. Only days before September 11, smugglers were apprehended in Turkey trying to move weapons-grade uranium out of Russia. This was not the first instance, and there is no doubt that terrorists and their sponsors are trying. There is however, reason to doubt that we are doing all that we should to keep such materials and nuclear know-how out of their hands.

The Department of Energy shares the non-proliferation campaign with the Department of Defense and focuses on its particular realm of expertise: nuclear materials. Despite the gravity of this mission, this bill follows President Bush's request, and without explanation, cuts the DOE budget for stopping the spread of nuclear materials.

The Department of Energy oversees several programs to stem the spread of weapons of mass destruction, particularly nuclear weapons. All told, the DOW non-proliferation budget for FY 2001 is \$874 million. The President cut those programs in his FY 2002 budget request by \$101 million, a cut of almost 12 percent. The committee's original mark did not restore this cut at all, even though the House and Senate Appropriations Committees added \$71 million and \$106 million, respectively, to the President's budget. The manager's amendment to the bill before us today restores only \$10 million, leaving the DOE's non-proliferation budget \$90 million below the 2001 level, and well below the appropriated levels in the House or Senate.

#### DOE'S NON-PROLIFERATION AND VERIFICATION R&D

Los Alamos National Laboratory and Lawrence Livermore National Laboratory have been involved for years in developing sensors placed on U.S., satellites to monitor the production, testing, or use of nuclear, biological, or chemical weapons. Before 1991, the program was diffuse and unfocused. This changed in the aftermath of the Persian Gulf when U.N. inspectors discovered that Iraq's weapons of mass destruction programs were far more advanced than the U.S. intelligence community or anyone else had anticipated. Shortly after the Gulf War, Congress established a specific line in the DOE budget for non-proliferation and verification to develop technologies that detect the production, testing, transfer, or use of such weapons.

The President's budget request for this critical research in FY 2002 is \$170 million, which is \$57.5 million (25 percent) below the 2001 level of \$227.5 million. The bill ratifies the administration's request—not one dime is added to restore this cut. Here are examples of items that will not be funded if these cuts are not reversed:

New seismic monitoring devices that will help ensure that Russia, China, or others are not improving their nuclear weapons by conducting underground tests with a nuclear yield below 1 kiloton.

The Biological Aerosol Sentry and Information System ("BASIS") which is designed to detect a bio-terrorism attack within a few

hours so that public health agencies can react quickly and effectively to stop the spread of the agent. We do not have this capability in hand, but it is maturing: BASIS was field-tested at Salt Lake City in March 2001. This cut will slow down the development of a promising technology.

Development of new sensors that can detect atmospheric nuclear explosions. Our satellites that have such sensors are retiring. We do not have any of the old sensors on hand—they were all custom built. This cut may delay the effort to build new sensors in time to be placed on replacement satellites. If not built on time, the U.S. will not be assured of the ability to detect an atmospheric nuclear explosion.

New sensors specifically geared to go on platforms to detect the production, testing, transfer, or use of WMDs. The sensors detect various “signatures”—tell-tale clues that may be chemical, electromagnetic, infrared, optical, or radio-nuclide in nature—all absolutely critical to improving the ability of the U.S. intelligence community to keep watch on what countries like North Korea, Iran, Iraq, and Libya are doing.

Although the threat of WMDs is seen as the gravest threat facing the U.S., we are depriving our intelligence community of the resources to improve the technical means to gather information and track the threat if this cut stands.

Another victim of this cut is people. Dr. John Browne, Director of Los Alamos, was in my office a few weeks ago. Besides the programmatic impacts I just described, Dr. Browne is worried that these cuts will force long-time employees to seek employment elsewhere. And when they leave, they will leave for good. They will not come back to their work when the funding comes back, and not only will we lose their expertise, we will lose their ability to pass their expertise on to the next generation of scientists and engineers at the national labs.

That's way these cuts are so shortsighted and the exact opposite of what we should be doing. I had an amendment in committee that would simply have restored funding to the 2001 level, and I sought, to no avail, to do the same through my BMD amendment included in the managers' amendment. We should not be so single-minded, so focused on the threat of ballistic missiles that we allow cuts like these to stand while bestowing a 49 percent increase on BMD.

#### SUMMARY OF DOE NON-PROLIFERATION ACTIVITIES

**Non-Proliferation and Verification Research and Development**—This program develops technologies to help the U.S. meet four primary goals:

1. Detecting nuclear weapons development efforts. The labs develop sensors that detect the tell-tale signatures of a nuclear weapons development program—which can be chemical, infrared, optical, radionuclide, or electromagnetic in nature.

2. Monitoring Nuclear Explosions. The labs develop methods to detect nuclear explosions, either atmospheric events or underground, low-yield events that require seismic detection.

3. Detering the Spread of Nuclear Weapons. The labs develop technologies needed to improve the detection and tracking of fissile materials. These technologies include handheld devices for border security forces and au-

tonomous sensing devices that can be stationed at fissile material holding areas.

4. Responding to Chemical and Biological Attacks. The labs are developing technologies that will quickly identify the exact nature of a chemical or biological weapon. Quick identification is essential to providing first responders the information they need to treat victims and to contain the damage caused by such weapons.

**Arms Control**—The Office of Arms Control and Non-Proliferation includes several programs well known to Congress: the longstanding Reduced Enrichment Research and Test Reactor (RERTR) program, the Nuclear Cities Initiative, and the Initiatives for Proliferation Prevention. The office also provides DOE expertise to ensure that nuclear reductions are transparent, improve export controls, and generally strengthen existing nonproliferation agreements. The major responsibilities of this office include:

1. Nonproliferation in the Newly Independent States (NIS). The DOE tries to make sure that nuclear materials and human expertise in nuclear weapons resident in the NIS do not spread to other countries, such as North Korea, Iran, or Iraq. Two recent programs to stop such proliferation are the Nuclear Cities Initiative (NCI) and the Initiatives for Proliferation Prevention (IPP). The IPP tries to prevent “brain drain” from the ten major laboratories and engineering institutes that were involved in the former Soviet Union nuclear weapons programs. IPP establishes projects that gainfully employ these scientists, engineers, and technicians. Some of the projects are joint ventures with U.S. industry. The Nuclear Cities Initiative is a “sister” program to IPP that focuses exclusively on the closed nuclear cities of the former Soviet Union, creating new jobs through economic diversification at these closed cities.

2. Nuclear Nonproliferation throughout the World. The Arms Control office supports programs that aim to curb the ability of countries to convert spent nuclear fuel into nuclear weapons. Activities include: (i) a major program to control and protect spent fuel in Kazakhstan; (ii) implementation of the agreement with North Korea to switch to nuclear reactors that produce little weapons-grade fissile materials; and (iii) the Reduced Enrichment Research and Test Reactor program (begun by the Eisenhower Administration) to ensure that spent fuel from test and research reactors throughout the world is not used for military purposes.

3. Export Controls. DOE is active in U.S. government efforts to internally improve and enforce export controls on nuclear materials, and to help train other nations in detecting/interdicting illegal exports of nuclear materials.

4. International Safeguards and Treaties. DOE helps verify that other countries are living up to various nonproliferation agreements and treaties. The Arms Control Office is the principal U.S. entity for assessing and proposing new treaties and agreements, and the means to verify and enforce them.

**Material Protection, Control, and Accounting (MPC&A)**—This program was established by provisions that I helped write in the FY 1994 Defense Authorization Act. MPC&A helps Russia improve security at the 95 sites identified as having nuclear weapons or nuclear mate-

rials. These sites contain about 850 metric tons of weapons-usable fissile materials, and many are poorly protected. These sites include 53 Navy sites, 11 MinAtom sites, and 31 civilian sites. To date, MPC&A has completed security upgrades at 37 of these sites which contain about 400 metric tons of weapons-usable fissile materials. Security improvements are underway at many, but not all, of the remaining 58 sites.

**HEU Transparency**—DOE is in charge of the 1993 Highly Enriched Uranium (HEU) Purchase Agreement between the U.S. and the Russian Federation. Under this agreement, the U.S. is to purchase civilian reactor fuel derived from 500 tons of weapons-grade HEU over a 20-year period. This activity verifies that the fuel the U.S. is buying is indeed from former Soviet nuclear weapons, and supports reciprocal monitoring by Russia to ensure that the U.S. is using the HEU for fuel. Through December 30, 2000, this program has resulted in the purchase of 111.3 metric tons of NEU.

**Fissile Material Control and Disposition**—The DOE is in charge of safely disposing of surplus U.S. fissile materials (plutonium and HEU) as well as helping Russia get rid of its surplus stocks. Both countries have agreed to track each other's progress toward elimination of these materials, so that both can be confident the other will not be able to quickly expand its stock of nuclear materials (a “break-out” scenario) and gain strategic dominance in nuclear weapons. These U.S. efforts with Russia are currently focused on plutonium disposition, since the 1993 agreement on HEU is already underway. U.S. and Russia have to convert much of their respective plutonium (34 metric tons each) into mixed oxide (MOX) fuel to be burned in civilian nuclear reactors. The U.S. also plans to vitrify (also known as “immobilize”) approximately 13 of its 47 or so metric tons of plutonium because these materials are not in a form suitable for easy conversion into MOX.

**International Nuclear Safety**—This program helps Russia and the NIS prevent another Chernobyl disaster. There are 66 operating nuclear powered reactors at 21 sites in Russia and 7 NIS countries. Many of these reactors are either identical to the Chernobyl reactors or have their own serious design defects. This program helps these nations improve the training of their operators and create safety procedures for these plants, which still operate far below international safety and operational standards.

**Program Direction**—This pays the salaries of the Nuclear Proliferation workforce, as well as the expenses normally charged to salary and expense accounts. The workforce is comprised of 233 Full-Time Equivalents (FTEs) at DOE headquarters, 34 FTEs in field offices, and 25 FTEs in offices located abroad.

Ms. McCOLLUM. Madam Chairman, I rise today in support of the Defense Authorization Act (H.R. 2586), and in support of our armed forces and the service men and women who defend our great country. In this time of national awareness of the very real threat of terrorism, I believe it is our responsibility as lawmakers to ensure the readiness and quality of life of our military by providing these forces with the necessary resources, equipment and training to defend our nation's interests and to keep the American people secure.

I am encouraged that the Armed Services Committee, the Administration and our joint Congressional leaders have crafted legislation that firmly addresses many of our military's most pressing needs. I am firmly committed to maintaining a strong national defense, especially during this time of domestic and international crisis. I am also very pleased we have not forgotten our equally important responsibility of improving the quality of life of our military personnel. The current defense budget includes significant commitments to military salaries, health care, housing allowances and housing construction opportunities. We need to assure our military that as we continue to support their readiness capabilities, we remember the personal well being of the men and women in uniform as well as their families.

While I am supporting passage of this authorization, I am particularly concerned that we are placing too high an emphasis on an untested and unproven method of defense. Specifically, I am opposed to provisions in this bill that authorize an increase in funding for national missile defense. By moving forward with a costly national missile defense system, we are investing billions of scarce federal dollars in an unproven and dangerous scheme. Deployment and testing of the proposed missile defense system will jeopardize our obligations under the Anti-Ballistic Missile Treaty that has served our nation and the world well for nearly three decades. In addition, evident by the recent attacks on our country, we must consider the possibility that an anti-missile system completely fails to address one of our most serious threats of attack the introduction of chemical, biological or nuclear weapons by non-state actors through as pedestrian means. The proposed missile defense system not only does not make our nation more secure, it diverts resources away from the very real human investments needed to keep our military, intelligence agencies and domestic security agencies strong.

Before we add billions of additional dollars to untested and unproven programs that destabilize relationships with allies and undermine our treaty obligations, let's use this appropriation to focus on strengthening our home security and providing our citizens with the appropriate resources necessary to ensure the events of September 11th never happen again on American soil.

Mr. ABERCROMBIE. Madam Chairman, I rise in strong support of the National Defense Authorization Act for Fiscal Year 2002, and urge my colleagues to support this important measure.

This year, we lost two great friends on the House Armed Services Committee, our former Chairman, Floyd Spence from South Carolina, and Norm Sisisky from Virginia. Both of these men dedicated the majority of their time here in Congress to ensuring the defense of our Nation, and they are deeply missed on the Committee and in this Congress. Their tremendous contributions to our national defense serve as an example to this Congress as we look to strengthen our military and continue to improve living and working conditions for our men and women in uniform.

I would like to recognize Chairman Stump and Ranking Member Skelton for their astute leadership of this Committee and for the bipar-

tisan manner in which they have crafted a bill to address the immediate needs of our Armed Forces. In the venerable tradition of the Armed Services Committee, these gentlemen have worked side by side, across party lines, to provide our military with the means to defend our Nation.

I would also like to commend my good friend and colleague, Jim Saxton, Chairman of the Military Installations and Facilities Subcommittee, whom I have been so fortunate to work closely with, both on Armed Services and the Resources Committees. His sincere concern for the quality of life of our troops, as well as his truly bipartisan, cooperative leadership, have guaranteed an equitable bill that directly answers the pressing needs of our military infrastructure.

Finally, I would like to thank the Committee staff for their tireless work and invaluable expertise. I would especially like to thank the Military Installations and Facilities Subcommittee professional staff, George Withers and Phil Grone, who is leaving the Committee to serve as an Administration official at the Pentagon.

As Ranking Member of the Military Installations and Facilities Subcommittee, I am particularly proud of the remarkable boost this bill will give to our military housing and infrastructure. The Military Construction provisions build upon a healthy budget proposed by the President, and I am gratified to see that when it comes to taking care of our service members and their families, we are all unified in opinion. Our people, and their living and working conditions, must continue to be our number one priority.

The unspeakable events of September 11, 2001, should not alter our commitment to quality of life initiatives. Five carrier battlegroups are currently underway, preparing for potential offensive operations. The President has authorized mobilization of up to 50,000 Ready Reservists. Now more than ever, it is imperative that we show our appreciation for those who volunteer to go in harm's way. Even in light of extreme uncertainty about the future, these young men and women pledge to support and defend American democracy, both at home and abroad. We owe it to them, and to their families, to keep our promise of increased safety and morale in the home and in the workplace.

This bill does just that. It authorizes \$10.3 billion for construction and renovation of critical infrastructure and family housing, approximately \$350 million more than the Administration's request. Our bill includes \$1.2 billion to build 51 new barracks and dormitories for single and unaccompanied service personnel. Often, our junior, single soldiers, sailors, airmen, and marines get overlooked in the rush to raise the standards on quality of life. This Committee has taken substantive steps to remedy this inequity, through improved living accommodations and a significant pay raise. The bill authorizes \$1.1 billion for new construction and modernization of 6,800 family housing units—a down payment on our commitment to eradicate deteriorating, World War II-era living conditions. It also makes permanent the authorities in the Military Housing Privatization Initiative that use private sector expertise and capital to accelerate improvement of government-owned housing and help elimi-

nate a serious shortage of quality affordable housing. Of special note, the Committee has responded to the concerns of our modern military families by recommending \$36.2 million for six child development centers—a critical need for couples who both work as well as single parents.

Our achievements in Military Construction will be an ongoing effort aimed at providing quality living and working facilities for our entire military family, stationed at home and overseas. I know that under Mr. SAXTON's excellent stewardship, the Subcommittee on Military Installations and Facilities will continue to focus on raising the living and working standards for our Armed Forces. They have volunteered to protect our freedom. Now we must protect them by building safe, modern facilities for the 21st century military.

Again, I urge my colleagues to support this measure.

Mr. ACEVEDO-VILÁ. Madam Chairman, Puerto Ricans will continue to support this great nation and President George W. Bush in efforts to fight against the horrific elements of terrorism. Let no one question our commitment. Governor Calderón and I have reached out to support those directly impacted by the cowardly acts on September 11, 2001. Some 800 Puerto Ricans died that day. We stand in steadfast support of efforts to realize justice and to heal the many wounds inflicted on America. I am concerned however about language contained in the Chairman's mark that would, if enacted, alter the commitment of the Navy to find sufficient alternative training grounds to Vieques by May 1, 2003. I am also concerned about how this change in policy will be received in Puerto Rico should it become law. We reaffirm our support of President Bush's position that there is no need for another referendum and that the Navy depart Vieques on or before May 1, 2003.

Furthermore, since Navy Secretary Gordon England stated in this letter dated September 24, 2001, to Senate Armed Services Committee Chairman LEVIN that the Navy would meet its goal of May 1, 2003, there is no need to change the existing commitment. Such a change would create confusion and distrust in Vieques. We do not need that at this time of national unity.

I want my colleagues to appreciate how committed Puerto Ricans are to our national defense. All the recruitment goals of the armed services have been surpassed in Puerto Rico over the last four years. Even as the divisive issue surrounding Vieques continues to be at the forefront of our conscience, young Puerto Ricans enlist to serve our nation in numbers that increase year after year and exceed recruiting goals of our armed services, including the Navy.

Furthermore, Congress should remember that in 1990, then President George Bush issued an executive order that called for the immediate cessation of bombing on Kaho'olawe, Hawaii. President Bush, despite protestations from the Navy that mirror those used today concerning Vieques, signed the executive order on the eve of the Gulf War.

Puerto Rico's support to this nation is unconditional. However, I believe that the Administration can still meet the commitment to find alternatives to Vieques by May 1, 2003.

Mrs. TAUSCHER. Madam Chairman, I would like to lend my strong support for Mr.

STUMP's manager's amendment to the Defense authorization bill. This important provision adds \$10,000,000 to the National Nuclear Security Agency (NNSA)'s vital defense nuclear nonproliferation activities.

The tragic events of September 11 and repeated incidents of groups trying to purchase unsecured Russian nuclear material, demonstrate in no uncertain terms that groups hostile to the United States may seek to cause wide-scale destruction to our nation using weapons of mass destruction.

The increased funding in Mr. STUMP's amendment will enable the NNSA to continue to develop technologies to detect weapons of mass destruction, from a small nuclear device concealed in a ship's cargo-hold to anthrax spores hidden in a suitcase. These threats are elusive and hard to counter, but our national laboratories, through the NNSA, are working on critical technologies to make our nation less vulnerable.

Madam Chairman, I remain concerned that the overall defense authorization bill does not restore the President's cuts to the Department of Energy's vital non-proliferation activities. These programs are instrumental in downsizing Russia's aging nuclear weapons complex, accounting for and securing Russia's nuclear material, and preventing the outflow from Russia of nuclear weapons expertise.

I am pleased, however, that Mr. STUMP's amendment takes a step toward improving our ability to counter the threat of weapons of mass destruction and I will work in conference to fully restore the funding to this year's level. I strongly encourage my colleagues to support this amendment.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mrs. BIGGERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, pursuant to House Resolution 246, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill H.R. 2586 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

Strike section 331.

At the end of title III, insert the text of subtitle G of title III (Service Contracting Reform) of the bill, as reported (page 71, line 12, through page 81, line 15).

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, let me start by saying, if this motion is adopted, we will immediately vote on final passage without further delay. It is reported back forthwith or immediately back to the House. So we will vote on final passage immediately following this vote no matter what the outcome of this vote is on the motion to recommit.

The motion to recommit simply reinstates the original provision on the question of service contracting processes that was adopted on a bipartisan basis in the Committee on Armed Services.

The motion to recommit will make the service contracting process at the Department of Defense more fair to Federal employees and more accountable to taxpayers. It will save an enormous amount of taxpayer dollars.

Right now, Mr. Speaker, less than 1 percent of defense contracts allow Federal employees a chance to openly compete for their work before it goes to the private sector. Less than 1 percent. That is not fair. When given a chance to compete, Federal employees actually win 60 percent of the contracts. Why? Because they do a great job, and they do it for less money. It is as simple as that, Mr. Speaker.

Too often what happens at our bases, and those of you who have facilities know this, private contractors get the work, they fail to do the job; and then when the Federal Government has to take over, the employees are gone. Their work experience is gone. Competition for defense contracts can reduce costs and give workers a chance to compete for their jobs before they are contracted out.

This would not prevent the Department of Defense from contracting out as long as it is done fairly. DOD is given the maximum flexibility and can waive the requirement if it is threatened by national security.

This motion to recommit is a win for the Department of Defense, a win for Federal employees, and I think a win for the taxpayers.

Mr. Speaker, I just want to reiterate again, it is like voting on an amendment. It will be brought back forthwith whether it passes or does not pass. It is a good amendment for Federal employees, for saving tax dollars and to make sure we have competition in this sector.

Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, if a military base is deciding whether or not to contract out car washing at that military base, this amendment says before they can make that decision to take those jobs away from public employees, they must give those public employees a fair chance to compete for and win the contract.

Mr. Speaker, the record shows that privatization is often a failure. It means lower quality at a higher price. It means taking jobs away from people with benefits and giving them to people without benefits for private profit. But this motion is not anti-privatization. It is pro-competition and it is pro-taxpayer and it is pro-Department of Defense.

Mr. Speaker, I would urge a vote in favor of the motion to recommit.

Mr. BONIOR. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this motion to recommit. I am a strong supporter of the contracting community. I have a very vibrant contracting community in my district. They perform an invaluable service for the defense of this Nation, in my case, for the United States Navy.

The gentleman from Michigan (Mr. BONIOR) and the gentleman from New Jersey (Mr. ANDREWS) have stated it well. What we want is we want a competition which will produce the best product for the best price. What this amendment that the gentleman from Michigan (Mr. BONIOR) is adding simply says that in the competition we will not exclude Federal employees who were doing the job now. If they lose that competition, the job will be contracted out as it ought to be.

On the other hand, if they win the competition, and the competition shows that the Federal employees can do it cheaper and better, then it ought to be done in-house because that is what the taxpayer would want.

I think that is good for America. I frankly think it is good in the final analysis for contractors, and it clearly is fair to our Federal employees.

Mr. Speaker, I thank the gentleman for yielding me this time in support of the motion to recommit.

Mr. BONIOR. Finally, Mr. Speaker, let me say that basically what we are



saying to Federal employees is, we will not take your job away without letting you make your case. Then we will decide based on your opportunity to make your case. That is all this does. It is fair. It is supported on a bipartisan basis in committee. As I said, it will not kill this bill or send it back to committee. It will come forthwith back to the House. I hope Members will vote for it.

The SPEAKER pro tempore. The gentleman from Arizona (Mr. STUMP) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have served on the Committee on Armed Services for 15 years, and I love that committee because we are a bipartisan committee. I have as much respect for the gentleman from Missouri (Mr. SKELTON) as the gentleman from Arizona (Mr. STUMP) because the two gentlemen work in concert on every issue.

We have had a bipartisan approach under Floyd Spence, under Ron Delums, and under Les Aspin. We have worked together to reach compromises that may not be what we want at the time, but in the end worked to the best interest of our military and our personnel. We worked out our differences.

The amendment my colleague seeks to offer today was offered identically by the gentleman from Hawaii (Mr. ABERCROMBIE) in the committee. The amendment has some problems. Despite what my colleague has said, the Pentagon has estimated it will cost \$100 million a year to implement this.

Despite what my colleague has said, it will require us to establish a new classification system that will require every private contractor to open their records, and we do not even know what it will look like.

My colleague knows that I am a friend of labor. I have been with my colleagues on that side of the aisle on some key labor issues. I do not want anyone thinking I am not in favor of equal competition for workers.

Mr. Speaker, what bothers me about this motion to recommit is we sat down, the gentleman from Missouri (Mr. SKELTON), the gentleman from Arizona (Mr. STUMP), the chairmen of the subcommittees, the ranking members from the other side of the aisle, we worked out a good-faith agreement.

Mr. Speaker, my colleagues will notice the gentleman from Hawaii (Mr. ABERCROMBIE) is not offering this amendment. The gentleman from Hawaii (Mr. ABERCROMBIE) told me on the way over that the gentleman did not even talk to the gentleman from Hawaii (Mr. ABERCROMBIE) about this amendment.

My friend and my colleague on the other side knows full well that we reached an agreement to solve a problem that the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Texas (Mr. ORTIZ), the gentleman from New York (Mr. MCHUGH), and the gentleman from North Carolina (Mr. JONES) raised that I agree with; but this is not the solution.

This Congress 1 year ago in our defense authorization bill with a bipartisan vote established a task force, which organized labor has a member of that, will report back in March on a plan to correct the A-76 process.

My amendment that we offered with the support of the gentleman from Hawaii (Mr. ABERCROMBIE) in the en bloc amendment puts a moratorium of 50 percent of all A-76 work through that time.

We also require that there must be a 10 percent threshold met. It was a good-faith compromise that the administration reluctantly accepted.

Now my colleague comes up on the final vote, without consulting with the members of the leadership of his own party on the committee, and seeks to undo the bipartisan spirit of trying to resolve the A-76 process which I agree needs to be changed and modified. This is not, in my opinion, a good-faith effort on behalf of working people.

This is a chance to perhaps have Members of the other side score points when we had a good-faith agreement with the leadership on the other side of the aisle on the committee, a unanimous agreement to move forward and resolve this problem.

I ask my friends and colleagues to follow the request of the leadership of this committee, the leadership of the gentleman from Arizona (Mr. STUMP), the leadership of the gentleman from Texas (Mr. ORTIZ), the leadership of the gentleman from Hawaii (Mr. ABERCROMBIE), the leadership of the gentleman from North Carolina (Mr. JONES), and the other Members on both sides of the aisle and allow us to enact this bill and reject this amendment and do the right thing for the military in this country and move on to resolve the problems with the A-76 process.

Ms. WATERS. Mr. Speaker, I rise today to express my disappointment that the Abercrombie language is not included in the Defense Authorization bill, and I support the motion to recommit so that it may be restored.

Representative Abercrombie's amendment was an effort to ensure that the most knowledgeable and experienced individuals are contracted with to do the work for the Department of Defense. And his amendment was adopted in Committee by a bipartisan majority.

But what the other side wants to do is contract out these projects which does not guarantee the best workers for the job, it does not guarantee that the work will be done at a lower cost. All it does is jeopardize the jobs of thousands of federal employees and put the lives of Defense employees on the line.

The language was intended to place Federal employees on equal footing as private contractors.

It does not say that the Federal government cannot contract out but rather that the best people must be employed to do the job. The government must look at all the options.

The recent events have illustrated that our federal employees are constantly on the front line. We should be doing everything possible to protect them and their jobs.

I urge that my colleagues support the motion to recommit.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

#### PARLIAMENTARY INQUIRIES

Mr. BONIOR. Mr. Speaker, is there a way to respond to the gentleman from Pennsylvania?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BONIOR. Mr. Speaker, is there a way to respond to the gentleman from Pennsylvania, who has made allegations and has thrown names around in this House before this vote? Is there a way to respond to the inaccurate statements of the gentleman from Pennsylvania with respect to the leadership of my own party here on the committee?

The SPEAKER pro tempore. All time for debate has expired.

Mr. LANTOS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LANTOS. Mr. Speaker, is it proper for a Member to question the good faith of a colleague? It is fine to disagree with his position, but the good faith of the gentleman from Michigan (Mr. BONIOR) was questioned, which I think is outrageous.

The SPEAKER pro tempore. The Chair cannot rule on the words. The words were not taken down.

Mr. LANTOS. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore. The gentleman's request for the words to be taken down is not timely.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage.

The vote was taken by electronic device, and there were—ayes 197, noes 221, not voting 12, as follows:

[Roll No. 358]

AYES—197

Ackerman	Baldacci	Bentsen
Allen	Baldwin	Berkley
Andrews	Barcia	Berman
Baca	Barrett	Berry
Baird	Becerra	Bishop

Blagojevich Holt  
Blumenauer Honda  
Bonior Hooley  
Borski Hoyer  
Boswell Inslee  
Boucher Israel  
Boyd Jackson (IL)  
Brady (PA) Jackson-Lee  
Brown (FL) (TX)  
Brown (OH) Jefferson  
Capps John  
Capuano Johnson, E. B.  
Cardin Jones (NC)  
Carson (IN) Jones (OH)  
Carson (OK) Kanjorski  
Clay Kaptur  
Clayton Kennedy (RI)  
Clement Kildee  
Clyburn Kilpatrick  
Condit Kind (WI)  
Conyers Kleczka  
Costello Kucinich  
Coyne LaFalce  
Crowley Lampson  
Cummings Langevin  
Davis (CA) Lantos  
Davis (FL) Larnson (WA)  
Davis (IL) Larson (CT)  
DeFazio LaTourette  
DeGette Lee  
Delahunt Levin  
DeLauro Lewis (GA)  
Deutsch Lewis (KY)  
Dicks Lipinski  
Dingell Lofgren  
Doggett Lowey  
Doyle Lucas (KY)  
Edwards Luther  
Eshoo Maloney (CT)  
Etheridge Maloney (NY)  
Evans Markey  
Farr Mascara  
Fattah Matheson  
Filner Matsui  
Ford McCarthy (MO)  
Frank McCarthy (NY)  
Frost McCollum  
Gephardt McDermott  
Gilman McGovern  
Gonzalez McIntyre  
Gordon McKinney  
Green (TX) McNulty  
Gutierrez Meehan  
Hall (OH) Meek (FL)  
Hall (TX) Menendez  
Hastings (FL) Millender-  
Hill McDonald  
Hilliard Miller, George  
Hinchey Mink  
Hinojosa Moore  
Hoeffel Napolitano  
Holden Neal

## NOES—221

Abercrombie Chambliss  
Aderholt Frelinghuysen  
Akin Collins  
Armey Combest  
Bachus Cooksey  
Baker Cox  
Ballenger Cramer  
Barr Crane  
Bartlett Crenshaw  
Barton Cubin  
Bass Culberson  
Bereuter Cunningham  
Biggert Davis, Jo Ann  
Bilirakis Davis, Tom  
Blunt Deal  
Boehlert DeLay  
Boehner DeMint  
Bonilla Diaz-Balart  
Bono Dooley  
Brady (TX) Doolittle  
Brown (SC) Dreier  
Bryant Duncan  
Burr Dunn  
Burton Ehlers  
Buyer Ehrlich  
Callahan Emerson  
Calvert English  
Camp Everett  
Cannon Ferguson  
Cantor Flake  
Capito Fletcher  
Castle Foley  
Chabot Forbes

Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor  
Payne  
Pelosi  
Phelps  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Ross  
Rothman  
Roybal-Allard  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Sherman  
Shows  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Turner  
Udall (CO)  
Udall (NM)  
Waters  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

Hunter  
Hyde  
Isakson  
Issa  
Istook  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Keller  
Kelly  
Kennedy (MN)  
Kerns  
King (NY)  
Kingston  
Kirk  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
Leach  
Lewis (CA)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo  
McCrery  
McHugh  
McKeon  
Mica  
Miller (FL)  
Miller, Gary  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nethercutt  
Ney

Engel  
McInnis  
Meeks (NY)  
Nadler  
Northup  
Norwood  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pence  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reynolds  
Riley  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roukema  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schaffer  
Schrook  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood

## NOT VOTING—12

Peterson (MN)  
Peterson (PA)  
Rush  
Serrano  
Townes  
Velázquez  
Visclosky  
Watson (CA)

## □ 2031

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. STUMP. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 398, noes 17, not voting 15, as follows:

[Roll No. 359]

## AYES—398

Abercrombie Becerra  
Ackerman Bentsen  
Aderholt Bereuter  
Akin Berkeley  
Allen Berry  
Andrews Biggert  
Armey Bilirakis  
Baca Bishop  
Bachus Blagojevich  
Baird Blunt  
Baker Boehlert  
Baldacci Boehner  
Baldwin Bonilla  
Ballenger Bonior  
Barcia Bono  
Barr Borski  
Barrett Boswell  
Bartlett Boucher  
Barton Boyd  
Bass Brady (PA)

Shimkus  
Shuster  
Simmmons  
Simpson  
Skeen  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stump  
Sununu  
Sweeney  
Tancred  
Tausin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt  
Tiberi  
Toomey  
Traficant  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson  
Wolf  
Young (AK)  
Young (FL)  
Chabot  
Chambliss  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Collins  
Combest  
Condit  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crenshaw  
Crowley  
Culberson  
Cummings  
Cunningham  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
DeMint  
Deutsch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Frelinghuysen  
Frost  
Ganske  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Guttmor  
Goode  
Goodlatte  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Guttmor  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucci  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Istook  
Jackson-Lee  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kirk  
Kleczka  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Langevin  
Lantos  
Largent  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McGovern  
McHugh  
McIntyre  
McKeon  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Miller (FL)  
Miller, Gary  
Mink  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Napolitano  
Neal  
Nethercutt  
Ney  
Norwood  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Pallone  
Pascarell  
Pastor  
Payne  
Pelosi  
Pence  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Saxton  
Schaffer  
Schiff  
Schrook  
Scott  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmmons  
Simpson  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stearns

Stenholm	Thune	Watts (OK)
Strickland	Thurman	Waxman
Stump	Tiahrt	Weiner
Stupak	Tiberi	Weldon (FL)
Sununu	Toomey	Weldon (PA)
Sweeney	Trafficant	Weller
Tancredo	Turner	Wexler
Tanner	Udall (CO)	Whitfield
Tauscher	Udall (NM)	Wicker
Tauzin	Upton	Wilson
Taylor (MS)	Vitter	Wolf
Taylor (NC)	Walden	Wu
Terry	Walsh	Wynn
Thomas	Wamp	Young (AK)
Thompson (CA)	Waters	Young (FL)
Thompson (MS)	Watkins (OK)	
Thornberry	Watt (NC)	

## NOES—17

Blumenauer	Lee	Paul
Conyers	McDermott	Schakowsky
Eshoo	McKinney	Stark
Filner	Miller, George	Tierney
Frank	Oliver	Woolsey
Jackson (IL)	Owens	

## NOT VOTING—15

Berman	Meeks (NY)	Serrano
Cubin	Nadler	Towns
Engel	Peterson (MN)	Velázquez
Gallegly	Peterson (PA)	Visclosky
McInnis	Rush	Watson (CA)

□ 2042

Mr. GREEN of Texas changed his vote from "no" to "aye."

The bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

A motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2586, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. STUMP. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2586, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the action of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

#### ADJOURNMENT FROM WEDNESDAY, SEPTEMBER 26, 2001, TO FRIDAY, SEPTEMBER 28, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, September 26, 2001, it adjourn to meet at 10 a.m. on Friday, September 28, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

#### ADJOURNMENT FROM FRIDAY, SEPTEMBER 28, 2001, TO TUESDAY, OCTOBER 2, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 28, it adjourn to meet at 12:30 p.m. on Tuesday, October 2, 2001, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, OCTOBER 3, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, October 3, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

#### PREPARING OUR MILITARY TO FIGHT THE WAR OF TODAY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, during the debate of the Stump-Skelton amendment regarding missile defense, I did not have the opportunity to submit my statement; and I believe with the vote cast today it is extremely important to acknowledge that we are in a crisis.

We do need to fund our military and ensure that our men and women are prepared, but I still believe that the missile defense funding is excessive and unnecessary. I, frankly, believe that we have a new war and a new day, but we need to use those dollars to prepare our military and to prepare us with the resources that we need and to be able to use those dollars to be able to really attack terrorism where it is.

I think it is important to provide more dollars for FEMA. I think it is important to provide more dollars for our senior citizens, our veterans; and yes, I believe in a strong defense, as evidenced by my just recent vote.

But I ask the President, I ask the administration, to clearly rethink the investment in missile defense. Let us invest more in our military in terms of its preparedness, so we can fight the war of today.

□ 2045

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's an-

nounced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### LOSS OF NORTHWEST ALLOYS CREATES VOID FOR WASHINGTON STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I rise today to honor the workers of Northwest Alloys, a company located in Addy, Washington, in the north part of the Fifth Congressional District. Since beginning operations in 1975, Northwest Alloys has become the largest private sector employer in Stevens County. It employs about 350 people. These are good people with good paying jobs and a wide variety of families that support the community of Addy and Stevens County, Washington.

The void that the absence of this company will leave in our communities is immeasurable, because they have supported our schools, they have supported youth activities, community activities, and provided a great resource for northeast Washington State.

The plant at Northwest Alloys in Addy, Washington, is only one of two magnesium smelters in the entire United States, and Northwest Alloys has had a sterling reputation ever since it has been in business over the years. It received OSHA's Voluntary Protection Plan Merit Status one year ago for a comprehensive evaluation of its safety processes and performance. The company recently received Star Status, the highest level of achievement within OSHA's Voluntary Protection Plan, making it one of only three manufacturing locations to do so in Washington State. Safety was their code word, their standard. They worked very, very hard to have a safe manufacturing plant of magnesium.

So I am deeply saddened by the events that have lead to the closure of Northwest Alloys and the impact the closure is having on families and the communities surrounding this facility in our State. But I also remain hopeful that new opportunities will arise out of such adversity. The reason the plant is closing in large measure is because countries like China and Russia have flooded the market with magnesium, and that has put tremendous pressure on community operations like that which is located in Addy in Northwest Alloys.

The employees have been remarkably upbeat; and under the leadership of Jerry Turnbow, they have worked against incredible odds, considering the market situation, production, and energy conditions. They have been fighting a battle to try to get low-cost energy to run this plant, and they